

NOTICE OF MEETING

MEETING	CABINET
DATE:	MONDAY 7 FEBRUARY 2011
TIME:	10.00 am
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Alex Daynes Telephone: 01733 452447 e-mail address alexander.daynes@peterborough.gov.uk
Despatch date:	28 January 2011

AGENDA

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*Any agenda item highlighted in bold and marked with an * is a 'key decision' involving the Council making expenditure or savings of over £500,000 or having a significant effect on two or more wards in Peterborough. These items have been advertised previously on the Council's Forward Plan (except where the issue is urgent in accordance with Section 15 of the Council's Access to Information rules).*



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MINUTES OF CABINET MEETING HELD 13 DECEMBER 2010

PRESENT

Cabinet Members:

Councillor Cereste (chair), Councillor S Dalton, Councillor Elsey, Councillor Hiller, Councillor Holdich, Councillor Lamb, Councillor Lee, Councillor Scott, Councillor Seaton and Councillor Walsh.

Cabinet Adviser:

Councillor Benton.

1. Apologies for Absence

No apologies were received.

2. Declarations of Interest

No declarations of interest were given.

3. Minutes of Cabinet Meeting – 8 November 2010

The minutes of the meeting held 8 November 2010 were agreed and signed as an accurate record.

Following a request from the Leader of the Council, Cabinet agreed to amend the order of the agenda to receive the Annual Audit Letter as the first item of business.

11. Annual Audit Letter

Cabinet received a report recommending approval of the Annual Audit Letter 2009/10 subject to any comments Cabinet wished to make. Cabinet was advised by Julian Rickett from Price Waterhouse Cooper that next year's report would be subject to new international reporting standards. Councillor Seaton welcomed the report and thanked the finance team within the council for their work.

CABINET RESOLVED TO:

Approve the Annual Audit Letter 2009/2010.

REASONS

The Council is required to consider the statutory Annual Audit Letter and make appropriate arrangements in response to recommendations.

ALTERNATIVE OPTIONS

The External Auditor may take on board responses received prior to its formal publication, though he has a duty to produce and arrange for the publication of the Annual Audit Letter as soon as reasonably practical. No specific alternative options are submitted to Cabinet for consideration.

STRATEGIC DECISIONS

4. TRANSLATION AND INTERPRETATION POLICY

Cabinet received a report recommending the approval of the draft Translation & Interpretation Policy following a referral from the Solicitor to the Council and the Cabinet Member for Community Cohesion, Safety, and Women's Enterprise. The Cabinet Member for Community Cohesion, Safety, and Women's Enterprise introduced the report highlighting the need to clarify why money was spent and on what services it was and would be spent on.

Councillors Scott and Holdich spoke in support of the policy emphasising the need to retain translation services to ensure the most vulnerable and needy of residents received the necessary support from services that the council provided. Councillor Seaton advised Cabinet that this policy emphasised that translation services were not automatically provided and consideration was taken to ensure that the neediest people were not discriminated against.

CABINET RESOLVED TO:

Approve the draft Translation & Interpretation Policy.

REASONS

The Council is not required to have a Translation & Interpretation Policy, but if it adopts a policy its approach to this issue is then made clear.

ALTERNATIVE OPTIONS

Status quo: No policy, but Council adopts sensible good practice. This approach was rejected because although the Council currently operates good practice, if there is no policy to show that it does so, this invites continued criticism from those who believe the Council does not operate effectively in this area.

To have a different policy: this was rejected because the draft attached captures the Council's current approach which is good practice for the benefit of all sectors of its service users.

To charge for translation & interpretation services: this was rejected as it was not in keeping with the Council's Sustainable Community Strategy and in the majority, if not all cases, could put the Council at risk of being in breach of the Equality Act 2010, at risk of judicial review, or at risk of failing to provide statutory services if it meant people were unable to communicate with the council as a result.

5. THE FUTURE OF PETERBOROUGH COMMUNITY SERVICES (THE PROVIDER ARM OF THE PRIMARY CARE TRUST)

The Leader of the Council advised that this report should be withdrawn from the agenda as ongoing issues were still to be resolved.

Cabinet AGREED to remove the item from the agenda.

6. PETERBOROUGH PLANNING POLICIES DPD – PREFERRED OPTIONS VERSION

Cabinet received a report recommending the approval of the Peterborough Planning Policies DPD ('Consultation Draft') for the purposes of public consultation in early 2011. The Cabinet Member for Housing, Neighbourhoods and Planning introduced the report advising that it was a technical document that sought to agree the basis for the approval of future building designs.

Richard Kay, the council's Policy and Strategy Manager for the Delivery team, advised Cabinet that public consultation on the document would begin in February 2011 before returning the document to Cabinet ahead of final approval from full Council. The document also contained details of listed buildings and buildings of local importance. Richard Kay highlighted suggested changes from the Planning and Environmental Protection Committee concerning the criteria when considering replacements of existing dwellings in the countryside, restrictions on the change of use for retail units in District Centres and also parking standards for disabled parking allocation.

During debate, Cabinet members highlighted concerns over car parking allocation in residential areas and the allocation of sufficient spaces to alleviate perceived problems as well as the changing use of retail units in district centres.

CABINET RESOLVED TO:

Approve the Peterborough Planning Policies DPD ('Consultation Draft') for the purposes of public consultation in early 2011.

CABINET FURTHER RESOLVED TO:

1. Request an amendment to Criteria (h) of Policy PP5, on page 55 of the agenda papers (page 15 of the planning document), to be amended so as to read:

“(h) of a similar size and scale to the original dwelling, or a larger than original dwelling may be permitted where this is appropriate to both the size of the plot and its setting in the landscape;”

2. Request an amendment in appendix A “Parking Standards” on page 85 of the agenda papers (page 45 of the planning document), to add the following at the start of the standards:

“The disabled parking standards in the tables below range from 2%-6% of all spaces, depending on the type of development proposed. The City Council is investigating whether these standards should be raised to 8% or 10%, and would welcome views on this suggestion. Disabled parking provision in large mixed development schemes should be distributed so that disabled people can access all of the site and not just the entrance to a single building.”

3. Request an amendment in appendix A “Parking Standards”, part C3 on page 94 of the agenda papers (page 54 of the planning document), to add additional words in the 'Informative notes' column which stipulates that where a garage is proposed to count as one of the required parking spaces, the garage must be of a sufficient size and design to be able to accommodate an average sized car (with the exact wording and a specific size criteria to be agreed in consultation with Highways colleagues prior to the document being published for consultation).
4. Request an amendment in appendix C “Building of Local Importance” on page 107-116 of the agenda papers (page 67-74 of the planning document), to split the

properties currently listed under 'Fletton' into two categories accordingly, namely 'Fletton' and 'Woodston'.

REASONS

Cabinet is recommended to approve the Planning Policies DPD (Consultation Draft) for public consultation because it will help deliver high quality development, will encourage and support investment in the city due to up to date and clear policy requirements, will provide more clarity as to what design of development the Council wants to see (subject to consultation) and will provide local residents with an opportunity to comment on proposals.

ALTERNATIVE OPTIONS

It is a statutory requirement to produce the Planning Policies DPD therefore the alternative option of not producing this document was rejected. Alternative policies options were consulted upon with the public in 2008.

7. VILLAGE DESIGN SUPPLEMENTARY PLANNING DOCUMENT (DRAFT VERSION FOR CONSULTATION)

Cabinet received a report recommending the approval of the Design and Development in Selected Rural Villages SPD ('consultation draft') for the purposes of public consultation in early 2011. The Cabinet Member for Housing, Neighbourhoods and Planning introduced the report highlighting the additional powers that this would bring to villages when planning applications were being determined that affected them.

CABINET RESOLVED TO:

Approve the Design and Development in Selected Rural Villages SPD ('consultation draft') for the purposes of public consultation in early 2011.

REASONS

Cabinet is recommended to approve the SPD (consultation draft) for public consultation because it will provide local residents with an opportunity to comment on proposals, it will (once adopted) help deliver high quality development in villages and will give parishes a clear policy tool for them to use when commenting on future planning applications.

ALTERNATIVE OPTIONS

Whilst not a statutory requirement to produce the SPD, the alternative option of not producing this document was rejected because:

- Parishes have been left somewhat in limbo since the previous government amended the planning regulations (2004) which effectively ended, for planning purposes, the statutory basis which was previously applied to Village Design Statements or Parish Plans. This SPD directly takes its content from those prepared VDSs and Parish Plans, and, in effect, gives back the statutory weight they once had;
- There is considerable support for the production of the document, especially from the parish councils; and
- The document will greatly assist planning officers and Members in determining planning applications, including enabling a consistent and transparent decision making process to be undertaken.

8. PETERBOROUGH CITY COUNCIL LOCAL ENTERPRISE PARTNERSHIP

Cabinet received a report recommending it noted the current position in regard to the Greater Cambridge Greater Peterborough Local Enterprise Partnership and to delegate authority to the Chief Executive to continue negotiations with partners and to finalise the governance structure of the Local Enterprise Partnership (LEP). The Cabinet Member for Business Engagement introduced the report advising that to ensure timelines were adhered to and business around the establishment of the partnership could be concluded without referring to Cabinet for each decision, the Chief Executive should be authorised to continue the negotiations.

CABINET RESOLVED TO:

Note the current position in regard to the Greater Cambridge Greater Peterborough Local Enterprise Partnership and to delegate authority to the Chief Executive to continue negotiations with partners and to finalise the governance structure of the Local Enterprise Partnership (LEP).

REASONS

The Greater Cambridge – Greater Peterborough LEP proposal has been accepted by the Government and further work now needs to be done to work up the detail before a Board can be established. This needs to be done before 1st April 2011. With so many partners involved, the negotiations are very fluid and change quickly. It would not be possible for every suggested change to be considered by the Cabinet, or even by the Leader, and the Chief Executive needs to have the ability to make decisions about the shape of the LEP, working with our partner organisations.

ALTERNATIVE OPTIONS

The LEP is not formally recognised until a Board is formed. One alternative is to do no further work and allow the LEP proposal to fall. This has been rejected because a large amount of work has been done by the Council and partner organisations to work up the LEP proposal. It is considered that there may be substantial benefits to the region from having an effective LEP established.

Another alternative is not to delegate any authority to the Chief Executive and require all negotiation about the formulation of the Board and shaping of the LEP to be done through Cabinet. This is impractical and has been rejected for that reason.

9. COUNCIL TAX BASE 2011/12

Cabinet received a report recommending the endorsement of the calculation of the Council Tax Base for 2011/12 at a level of 55,971 Band D equivalent properties and to note the estimated position of the Collection Fund and authorise the Executive Director - Strategic Resources to calculate the final figure on 15th January 2011 and notify the Cambridgeshire Police Authority and the Cambridgeshire & Peterborough Fire & Rescue Authority. The Cabinet Member for Resources recommended approval of the document.

CABINET RESOLVED TO:

1. Endorse the calculation of the Council Tax Base for 2011/12 at a level of 55,971 Band D equivalent properties; and
2. Note the estimated position of the Collection Fund and authorise the Executive Director - Strategic Resources to calculate the final figure on 15th January 2011 and

notify the Cambridgeshire Police Authority and the Cambridgeshire & Peterborough Fire & Rescue Authority.

REASONS

The Council Tax Base could be set at a higher or lower level. However, this could have the effect of either inflating unnecessarily the amount of Council Tax to be set or setting the tax at a level insufficient to meet the Council's budget requirements. A similar position could arise if the surplus or deficit were set at a higher or lower level.

ALTERNATIVE OPTIONS

None required at this stage.

10. BUDGET AND MEDIUM TERM FINANCIAL STRATEGY

Councillor Seaton advised Cabinet that due to the delay in the publication of the Local Government Grant Settlement, this agenda item would be adjourned until 20 December 2010 when it would be clearer how the city council's finances would be affected.

MONITORING ITEMS

12. OUTCOME OF PETITIONS

Cabinet received a report recommending it notes the action taken in respect of petitions presented to full Council. The Leader of the Council recommended approval of the recommendations.

CABINET RESOLVED TO:

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

REASONS

Standing Orders require that Council receive a report about the action taken on petitions. As the petitions presented in this report have been dealt with by Cabinet Members or officers it is appropriate that the action taken is reported to Cabinet, prior to it being included within the Executive's report to full Council.

ALTERNATIVE OPTIONS

Any alternative options would require an amendment to the Council's Constitution to remove the requirement to report to Council.

Meeting closed at 11.25 a.m.

MINUTES OF CABINET MEETING HELD 20 DECEMBER 2010,
CONTINUED FROM 13 DECEMBER 2010

PRESENT

Cabinet Members:

Councillor Cereste (chair), Councillor Hiller, Councillor Holdich, Councillor Lamb, Councillor Lee, Councillor Seaton and Councillor Walsh.

1. Apologies for Absence

Apologies were received from Councillor Dalton, Councillor Elsey, Councillor Scott and Councillor Benton.

URGENT ITEM

The Future of Peterborough Community Services (The Provider Arm of the Primary Care Trust)

The Leader of the Council announced that this item would be added to the agenda as an urgent item. Along with the report submitted for the Cabinet meeting held on 13 December, Cabinet received a report giving updated information on the final arrangements for the transfer of adult social care services from Peterborough Community Services to Cambridgeshire Community Services. The Cabinet Member for Health and Adult Social Care introduced the additional information and requested the report be approved in order to ensure arrangements could be finalised before 1 April 2011.

Cabinet **RESOLVED** to:

Agree:

1. That adult social care services are part of a transfer of services from Peterborough Community Services to Cambridgeshire Community Services from 1 April 2011 as recommended by NHS Peterborough and that this is subject to: a) Peterborough City Council having a place on the Board of the new organisation as set out in this update. b) The contract containing a clause which allows the City Council to review the inclusion of adult social care after the first six months. c) NHS Peterborough ensuring that the contract allows for a break clause when the partnership agreement between the City Council and the PCT ends (as it will under proposals to abolish Primary Care Trusts, set out in the NHS White Paper)
2. That further exploration takes place regarding learning disability services with a view to these services transferring to the City Council with a fuller options appraisal for the longer term then to take place.

Note:

That children's community health services will be transferred from Peterborough Community Services to the Cambridgeshire & Peterborough Foundation Trust from 1 April 2011 with a continued direction of travel of integration with the City Council's children's services.

REASONS

The following matters have influenced the recommendations:

- NHS national policy – “Transforming Community Services”;
- Our local partnership context and the opportunities outlined in the White Paper for the future;
- The need to continue to focus on key aspects of performance improvement for adult social care particularly in relation to safeguarding;
- The transforming adult social care programme and the need to commission and provide services using a more personalised approach; and
- NHS Peterborough's financial position and the need for all public bodies to achieve savings.

The recommendations mean that there will be robust providers of services in place from April 2011 that afford the City Council safeguards in terms of adult social care and also flexibility to review the arrangements in the context of the White Paper changes. The recommendation in relation to learning disability services means that there are opportunities to think differently about how this service may be provided in the longer-term.

ALTERNATIVE OPTIONS

The City Council could choose to take back all social care services from NHS Peterborough however this requires giving 12 months notice on the partnership agreement and also puts the integration of health and social care at risk. Since a new model for integration in Peterborough will in any case need to be designed (Primary Care Trusts will not exist after the next two years in proposals set out in the White Paper), it is preferable to consider the future shape of services and integration as a whole in this wider context. The recommendations in this paper will allow this to take place.

ADJOURNED ITEM

10. Budget 2011/12 and Medium Term Financial Plan (MTFP) to 2015/16

The Leader of the Council advised that the meeting would adjourn for one hour for Cabinet Members to discuss the revised draft budget that it was being asked to approve.

The meeting reconvened at 11.15am.

Cabinet considered a report recommending agreement of the basis for the next stage of the budget consultation following updated budget proposals for 2010-12 through to 2015-16 following the provisional local government finance settlement.

CABINET RESOLVED TO:

1. Agree the following as the basis for the next stage of the budget consultation:
 - a) That the MTFP is set in the context of the sustainable community strategy;
 - b) The Budget monitoring report as the first draft of a probable outturn position for 2010/11, noting the actions planned to deliver a balanced budget;

- c) The draft revenue budget for 2011/12 and indicative figures for 2012/13 to 2015/16 (including the updated capacity bids and savings proposals);
 - d) The draft capital programme for 2011/12 to 2015/16, associated capital strategy, treasury strategy and asset management plan;
 - e) The draft medium term financial plan for 2011/12 to 2015/16;
 - f) The proposed council tax freeze for 2011/12 and indicative increases of 2.5% for 2012/13 to 2015/16;
 - g) To spend at the level of the Dedicated Schools Grant for 2011/12 to 2015/16; and
 - h) The proposals for reserves and balances.
2. Respond to Government regarding the consultation of the provisional local government finance settlement

REASONS

The Council must set a lawful and balanced budget.

The Council is required to set a Council Tax for 2011/12 within statutory prescribed timescales.

Before setting the level of Council Tax, the Council must have agreed a balanced budget.

ALTERNATIVE OPTIONS

Alternative levels of Council Tax increase and areas for growth/savings can be considered but this must be seen in the context of the Corporate Plan and other constraints, along with the loss of council tax freeze grant that any increase would lead to.

Meeting closed at 11.25 a.m.

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CABINET	AGENDA ITEM No. 4
7 FEBRUARY 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Hiller (Cabinet Member for Housing, Neighbourhoods and Planning)	
Contact Officer(s):	Adrian Chapman, Head of Neighbourhood Services Paulina Ford, Scrutiny, Performance and Research Officer	Tel. 863887 Tel. 452508

NEIGHBOURHOOD COUNCIL REVIEW – PART ONE

RECOMMENDATIONS	
FROM : STRONG AND SUPPORTIVE COMMUNITIES SCRUTINY COMMITTEE	Deadline date :
Cabinet is requested to:	
<ol style="list-style-type: none"> 1. Agree that the principle of delegating as much revenue and capital funding as possible is a driving principle behind Neighbourhood Councils, in line with the spirit of the new Localism Bill, and that this principle is agreed by Councillors and shared with officers. 2. Commit to reviewing the Constitutional delegations to Neighbourhood Councils in support of maximising funding delegated to them. 3. Agree that the current level of £25,000 funding is guaranteed from 2011/12 onwards as a minimum sum available to each Neighbourhood Council to be offset by any POIS monies that become available to each Neighbourhood Council. 4. Agree that the process for determining and allocating POIS monies be carefully assessed and agreed to ensure that all parts of Peterborough benefit from growth and new development. 5. Agree that mainstream revenue budgets are disaggregated, wherever possible, feasible and legal, and delegated to Neighbourhood Councils. In agreeing to this a pilot programme to be implemented focussing on a specific part of Council activity before a more expansive roll-out programme. 6. Agree that Neighbourhood Plans are produced for each of the Neighbourhood Council areas in line with the thinking articulated in the Localism Bill in order to help determine how all funding and other resources delegated to Neighbourhood Councils should be spent. 7. Agree that the Community Leadership Fund is maintained at £10,000 per ward, but that 25% of that budget is allocated by Councillors to meet needs identified through the Neighbourhood Council Neighbourhood Planning process. 8. Agree that the frequency of Neighbourhood Council meetings be maintained at four per year in each area and that any future change to this pattern should see an <i>increase</i> rather than <i>decrease</i> in the frequency of meetings. 9. Agree that a thorough review be conducted of all other community-based meetings with a view to combining meetings wherever possible. 	

R E C O M M E N D A T I O N S – Continued

10. Agree that the ongoing but separate review of the Rural North Neighbourhood Council be included in the overall review of Neighbourhood Councils to ensure shared learning and avoidance of confusion and misinformation.
11. Agree that Neighbourhood Management Delivery meetings, led by the relevant Neighbourhood Manager, be created in **all** Neighbourhood Council areas as a means of engaging and progressing actions between Neighbourhood Council meetings.
12. Agree that minimal staffing costs be maintained by ensuring only essential Council officers are present at each Neighbourhood Council meeting.
13. Agree that ALL Councillors are encouraged, through a flexible and modern programme of continuous training and development, to actively participate in all aspects of Neighbourhood Council business, this training and development programme to incorporate the broader aspects of Neighbourhood Management, Localism and Big Society.
14. Agree that the Special Responsibility Allowance for Neighbourhood Council Chairs is no longer awarded; reflecting the greater role to be played by ALL Councillors in relation to Neighbourhood Councils and that each of the seven Neighbourhood Councils should elect its own Chair who should be a Councillor from one of the wards represented at that Neighbourhood Council.
15. Agree that the Recommendations form part of an overall implementation plan for Neighbourhood Councils alongside the recommendations that emerge from part two of the Review to be overseen by the cross-party working group formed from the task and finish group; and that the Constitution be updated accordingly to reflect any recommended changes.

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a meeting of the Strong and Supportive Communities Scrutiny Committee held on 19 January 2011.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to inform Cabinet of the outcome of a review of Neighbourhood Councils which has been undertaken by the Strong and Supportive Communities Scrutiny Task and Finish Group. The review is being undertaken in two parts, the outcome of the first part is attached at Annex 1. The outcome of the second part will be presented to Cabinet on 21 March. Cabinet are asked to consider the conclusions and agree the recommendations of Part One of the review.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.5 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. REVIEW OF NEIGHBOURHOOD COUNCILS – PART ONE

4.1 Neighbourhood Councils have now been in operation for over a year and the Strong and Supportive Communities Scrutiny Committee requested that a report on their progress be presented to them at their meeting on 10 November 2010. After receiving this report and noting that going forward the proposal was to remove the £25,000 dedicated funding and reduce the meetings to twice a year it was agreed that there should be a review of the process and principles of Neighbourhood Councils. The Committee agreed that there was a need to take learning and experience from the first year of operations, in order to produce recommendations for their continued development. The review would look at:

- The processes and principles of Neighbourhood Councils and to come forward with recommendations for their continued development
- Examine all aspects of Neighbourhood Councils, including their funding, delegated responsibilities and logistical arrangements
- How the meetings can be developed to meet the expectations of local residents

4.2 To ensure all aspects of Neighbourhood Councils were taken into account Terms of Reference were put in place and can be found in the attached report at Annex 1.

4.3 Part One of the review has considered the financial aspects of Neighbourhood Councils in order to feed into the budget setting process of the Medium Term Financial Plan for 2011/12. The conclusions and recommendations can be found in the attached report at Annex 1.

5. CONSULTATION

5.1 Consultation undertaken is detailed in the report at Annex 1.

5. ANTICIPATED OUTCOMES

That Cabinet supports and agrees to the recommendations put forward from Part One of the review of Neighbourhood Councils.

6. REASONS FOR RECOMMENDATIONS

6.1 This report has come to Cabinet following a request from the Strong and Supportive Communities Scrutiny Committee to conduct a review of Neighbourhood Councils. The review has taken into account the learning and experience from the first year of operations, in order to produce the recommendations for their continued development.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 Option 1. Not to agree to the recommendations. The Committee do not recommend this as they consider it to be detrimental to the ongoing improvement and development of Neighbourhood Councils.

7.2 Option 2. Develop alternative recommendations. The Committee do not recommend this as they consider that the Task and Finish Group have conducted an in depth and objective review and therefore the recommendations put forward are considered to be the most effective way of improving the provision of Neighbourhood Councils.

8. IMPLICATIONS

Finance

Some of the recommendations in the report at annex 1 present an alternative scenario to that which is being proposed in the budget consultation document. For example, the report at annex 1 recommends that the frequency of Neighbourhood Council meetings is not reduced which means the proposed savings linked to reducing the frequency of meetings will not be achieved. However, many other recommendations suggest that further savings and efficiencies *will* be achieved, largely through better decision making and more targeted investment in communities.

Legal

Some of the recommendations in the report at annex 1, if agreed, will require changes to the Council's constitution.

Environment

The report at annex 1 recommends that the frequency of Neighbourhood Council meetings be maintained at the current level of 4 per year per area. The proposals set out in the budget consultation report include a saving linked to reducing the frequency to 2 meetings per year per area, also leading to reduced levels of travel to and from meetings.

However, neighbourhood planning processes and more frequent communication with communities will support the enhanced work required in those communities to respond more effectively to the environmental challenges we face.

9. BACKGROUND DOCUMENTS

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

Minutes of Strong and Supportive Communities Scrutiny meetings held on 10 November 2010 and 19 January 2011.

REVIEW OF NEIGHBOURHOOD COUNCILS – Part 1



Report of the Strong and Supportive Communities Scrutiny Committee

January 2011

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1: copy of the survey issued at the latest round of NC meetings	

1. Introduction

At its meeting on 10th November 2010, the Strong and Supportive Communities Scrutiny Committee agreed to establish a Task and Finish group to conduct a review of Neighbourhood Councils.

A Task and Finish Group was established to examine this in detail on behalf of the Committee.

The Task and Finish Group comprises the following members:



Cllr Colin Burton
Conservative



Cllr John Fox
Independent



Cllr Stephen Goldspink
English Democrat



Cllr Nazim Khan
Labour



Cllr Nick Sandford
Liberal Democrat



Cllr George Simons
Conservative



Cllr Marion Todd
Conservative

2. Objective of the Review

2.1 Scope

- To review the processes and principles of Neighbourhood Councils and to come forward with recommendations for their continued development
- To examine all aspects of Neighbourhood Councils, including their funding, delegated responsibilities and logistical arrangements
- To look at how the meetings can be developed to meet the expectations of local residents

2.2 Terms of Reference

To review the process and principles of Neighbourhood Councils, taking learning and experience from the first year of operations, in order to produce recommendations for their continued development. The review is to include:

1. The overarching terms of reference for Neighbourhood Councils as set out in the Constitution
2. The range of responsibilities and decision-making powers delegated to Neighbourhood Councils as set out in the Constitution
3. The relationship between Neighbourhood Councils and other Council forums, committees and meetings
4. The relationship between Neighbourhood Councils and other neighbourhood or community focussed forums (e.g. Neighbourhood Panels), to ensure minimum duplication and maximum delivery
5. The process of engaging with Councillors outside the formal Neighbourhood Council meeting to progress decisions made and actions agreed during the meeting
6. The revenue and capital funding delegated to Neighbourhood Councils
7. The process for making decisions on allocating delegated finance, including Section 106 funds
8. The logistical arrangements that support Neighbourhood Councils, including meeting venues, accessibility, times, dates, frequency, presentation including sound equipment, refreshments, seating arrangements and the associated costs.
9. The methods used to promote Neighbourhood Council meetings to the public and partners to ensure maximum and appropriate levels of attendance and public participation
10. The processes used to develop the agendas, including reviewing how best to ensure agendas are relevant, meaningful and interesting and how best to involve the public in the debates
11. The process of reviewing previous actions and how those results are presented to the public
12. The process for distributing the agenda packs before, and the minutes after, each Neighbourhood Council meeting

3. Approach and Timetable

To complete the review in a timely manner, the Task and Finish Group agreed to organise the review into four distinct but broad areas of focus:

1. **Financial**, including revenue and capital funding, and the costs associated with supporting Neighbourhood Councils
2. **Decision Making Powers and responsibilities** delegated to Neighbourhood Councils
3. **Relationships** with other committees, panels, groups, forums etc, both internal and external
4. **Engagement** with the public, officers, press, Councillors etc, both internal and external

In order to meet the timetable for feedback on the Cabinet's financial proposals, the first of these four areas of focus (relating to financial issues) has been reviewed first, and the findings and recommendations from that part of the review form the basis of this report.

The remaining areas of focus will be reviewed as part of the second stage of the review.

3.1 Reporting Timetable

The reporting timetable for the review will be:

COMMITTEE	DATE
Review Stage 1	
Strong and Supportive Communities Scrutiny Committee	19 th January 2011
Cabinet	7 th February 2011
Council	23 rd February 2011
Review Stage 2	
Strong and Supportive Communities Scrutiny Committee	9 th March 2011
Cabinet	21 st March 2011
Council	16 th May 2011

3.2 Key Witnesses

The Task and Finish Group identified key witnesses to be interviewed throughout the course of the review, and the following witnesses were invited for interview as part of the Review's first stage:

- Cllr Cereste, Leader of the Council
- Cllr Seaton, Cabinet Member for Resources

- Councillor Nash, Chair of Neighbourhood Councils in the North and West
- Councillor Lowndes, Chair of Neighbourhood Councils in Central and East
- Councillor Goodwin, Chair of Neighbourhood Councils in the South

- Cate Harding, Neighbourhood Manager, Central and East
- Julie Rivett, Neighbourhood Manager, North and West
- Lisa Emmanuel, Neighbourhood Manager, South

Cate Harding and Councillor Lowndes were unable to attend for interview.

4. Process and Findings

4.1 Stage 1 – Financial review

The Task and Finish Group met on the following dates:

- 6th December 2010 Initial meeting to scope the review
- 14th December 2010 Group Meeting
- 15th December 2010 Interviews with key witnesses
- 20th December 2010 Interview with key witness
- 4th January 2011 Group Meeting – draft initial report

It was agreed at the initial meeting of the Task and Finish Group on 6th December that the most appropriate course of action to start the review was to interview the Leader of the Council to ascertain what his original vision was for Neighbourhood Councils, and to obtain his comments and views on how he considered they had developed in the past year along with his vision for the future. It was also agreed that similar views needed to be sought from Councillor Seaton, Cabinet Member for Resources, the Chairs of the Neighbourhood Councils and the Neighbourhood Managers.

On 16th December the Task and Finish Group sent an email to all Councillors asking for their comments, both positive and negative, on Neighbourhood Councils requesting them to feed back to the group by 23rd December. **Comments related to matters associated with stage 1 of this Review are included below.**

During the most recent round of Neighbourhood Council meetings a short paper survey was conducted to gather feedback from attendees at the meetings. **Comments related to matters associated with stage 1 of this Review are included below.**

A request for information was made from other local authorities who run Neighbourhood Councils or similar structures. **Information related to matters associated with stage 1 of this Review is included below.**

4.2 Findings

This report will deal with the findings relevant to stage 1 of the review only, specifically financially-related matters. All other findings will be reported in the report from the second stage of the review.

(i) Interviews with key witnesses

N.B. A summary of interviews held relevant to stage 1 of this review are included below; all other information will be included in the stage 2 report

Both the Leader and the Cabinet Member for Resources articulated a clear and passionate vision for Neighbourhood Councils, and reaffirmed their continued support for them. Cllr Cereste stated that he was keen to establish Neighbourhood Councils so that local people are able to make or influence decisions, and have a say on how resources are used in their own community. This is therefore the context that the overall review has been taken forward within, supported by the cross-party review group.

Other interviewees also shared their vision for Neighbourhood Councils, with most agreeing that they should create the ideal opportunity for local people to have a real and meaningful say in decisions that affect their own community.

Some interviewees confirmed that, based on their knowledge, research and experience, fully establishing similar models can take up to three years. However, it is noted that the Council committed to a review after the first year of operation of Neighbourhood Councils, and that this review is timely given the experiences so far and the opportunities still available.

It was also commented upon that Neighbourhood Councils in Peterborough already operate differently in different areas, some more successfully than others. The Review Group were keen to better understand this and will be exploring this in more depth as part of the second stage of this review.

Financial Responsibility and Delegation

The greater delegation of funding from whatever source to Neighbourhood Councils was unanimously supported throughout the interviews and discussions. It was recognised that this offers greater transparency in decision making, greater accountability to the public, and better decisions in austere times.

However, it was also acknowledged that to date, although a capital budget of £25,000 has been delegated to each Neighbourhood Council, the allocation of relevant *mainstream* Council budgets has not yet been achieved. Both Cllr Cereste and Cllr Seaton confirmed their determination to see this happen, and confirmed that officers should not feel threatened by this but should instead see it as being a supportive process to help departments spend their money more wisely. The process for achieving this was recognised as being a disaggregation exercise where mainstream budgets are analysed by spend in each of the seven Neighbourhood Council areas, and supported by appropriate Constitutional delegations where relevant. The role of Councillors then in the process of allocating mainstream resources becomes critical as they would know best what their constituents want and need.

It was also acknowledged that 2010/11 had been a challenging year, particularly in relation to preparing for significant financial pressure in future years, and this uncertainty is likely to have played a part in the slow progress of disaggregating mainstream budgets.

The budget proposals published by Cabinet are being taken through the Neighbourhood Council process as part of the consultation of those proposals, and this was seen as an extremely positive milestone.

It was acknowledged that Neighbourhood Councils have had some successes with small community issues, but that until more significant financial delegation was made further progress of a more sizeable scale would be challenging. Several examples were given during interviews of other key successes however, including, for example, the recognition from bidders, as part of the outsourcing of City Services, of the significance and importance of Neighbourhood Councils and the role the successful bidder will need to play in the Neighbourhood Council structure in the future.

The new Localism Bill is a significant opportunity for reasserting the role of Neighbourhood Councils as being fundamental to involving local people in deciding local action, investment and improvement. To facilitate this in Peterborough the process for developing Neighbourhood Plans, which have been used so far to help determine how the allocation of £25,000 per Neighbourhood Council should be spent, will be reviewed and their preparation and production escalated.

The current budget proposals for next year confirm that a proportion of Planning Obligations Implementation Scheme (POIS) funding (formerly known as section 106) will be delegated to each Neighbourhood Council for determining its use in local communities. Discussion took place regarding the likely level of this funding, with some concern expressed that the allocation will be greater in areas where more development takes place. However, it is envisaged that the process for allocating this money to Neighbourhood Councils would be carefully thought through to ensure equity across Peterborough. The Council will also benefit from a new cash incentive from the Government for building new homes, and it is possible that a proportion of this funding could also be delegated to Neighbourhood Councils.

The current allocation through the Community Leadership Fund of £10,000 per ward was also discussed with a view to determining whether this should be managed through Neighbourhood Councils.

Number of meetings

The current budget proposals for next year talk about the number of Neighbourhood Council meetings in each area reducing from four to two per year. This was included as a proposal in the budget consultation document as feedback had suggested that the Neighbourhood Council meetings weren't working and that there was some duplication with other meetings, including Police-organised Neighbourhood Panels.

Differing views were expressed regarding the optimum number of meetings per year required, although it was acknowledged that this needed to be considered in the context of Neighbourhood Councils with more substantially delegated budgets, and where decisions were being taken readily and successfully. It was generally felt that reducing the number of meetings to two per year was not appropriate as this would not enable issues to be debated or decisions to be made in a timely manner. Maintaining four meetings per year was well supported, with other suggestions of either three or six meetings per year.

This aspect of the review also needs to be considered alongside the other community meetings that take place, including, for example, the Police Neighbourhood Panel meetings, as well as the Council-organised Neighbourhood Management Delivery meetings. Determining an appropriate recommendation for how each of these needs to work more effectively together will have a direct impact on the recommendation for the number of Neighbourhood Council meetings held per year. There has also been a separate review of the relationship between the Rural North Neighbourhood Council and the Parish Councils in that area as significant tension had arisen.

Role of Chairs

The role of the Neighbourhood Council Chairs was discussed, including the process for appointing the Chairs, the Special Responsibility Allowance they receive, and the principle of having three Chairs covering seven separate Neighbourhood Councils.

As the Neighbourhood Councils are committees of the Council, the Chairs are currently appointed by the Leader in the same way as the Chairs for Scrutiny Committees are appointed. They also receive a Special Responsibility Allowance of £7,166 per annum in the same way that, for example, Scrutiny Committee Chairs do.

The volume of work carried out by the Chairs was discussed, and the Chairs themselves felt that the preparatory work for, and follow-up work after, each Neighbourhood Council increased their workload. This includes contact with the relevant Neighbourhood Manager throughout the year, as well as liaison with key partners and fellow Councillors. Other interviewees confirmed this to be the case, although the role of the Chair has never been defined to include an enhanced role incorporating liaison between meetings.

The issue of one Chair covering more than one Neighbourhood Council was also discussed, with the issue of how appropriate that is being a particular focus. It was generally felt that the Chair of each Neighbourhood Council should also be a ward Councillor from one of the wards represented at that meeting, which would result in seven Chairs rather than the current three. However, a counter view that was expressed stated that more can be achieved through three Chairs that operate co-terminously with the areas covered by the Neighbourhood Managers, and that greater co-ordination across larger areas can be achieved with fewer Chairs.

Clearly this would have the effect of increasing the budget for Special Responsibility Allowances paid, and it was suggested that in fact the Chairs should receive no payment at all.

(ii) Comments from Councillors

The Review Group would like to thank those Councillors who contributed valuable information to this review process. Whilst it is acknowledged that not every Councillor is in favour of the Neighbourhood Council model, the Task and Finish group have taken a pragmatic view to try to support their continued development. ***Comments received that are relevant to stage 1 of this review are included below; all other comments will be included in the stage 2 report.***

Councillor David Harrington

I am really trying to fit in with my Neighbourhood Council, but I am finding it very difficult. I see my role as a ward councillor as a champion for equality and fairness, firstly to my constituents and subsequently to all the citizens of Peterborough. How can this happen when we as ward councillors are expected to vote for approval of money being spent in another ward at the expense of our own?

What we are being asked to do is partake in a lottery. Tell me, how are the residents of my ward going to benefit from money being allocated in Barnack or visa versa? It should be up to the people to decide where the money should be spent, not ward councillors and certainly not officers. Ward councillors are there to support and lobby for their wards.

To make these councils work effectively, you have to have the support of the local community and I am afraid that is not the case in NW1. If we had enough of the residents attending we could have a show of hands and decide what projects they would like funded. It would then be up to the members and community leaders to support their decision. That is democracy in its simplest terms.

If we are going to persist with the present arrangement, it would be fairer for each ward within NW1 to bid for the whole £25,000 and not piecemeal at the beset of officers or spilt evenly among the 5 wards. I feel if we continue with this system of voting by members alone, it will cause ill feeling amongst the communities. Everyone in the 5 wards should benefit from this community fund equally or not at all.

Finally, where are all the other agencies that are invited to partake? The Police Fire & Ambulance services quite obviously cannot sustain these visits due to funding cuts in their budgets.

I understand that we too are finding it impossible to keep the initial number of meetings and that from next year there will only be 2 meetings per council. How is that going to work?

Councillor David Over

There was little money. Deciding what to do with the initial £25,000 was a shambles and rushed. For parish councils there is no motivation to become further involved.

The £25,000 fund is to be abolished. Section 106 money will largely go to the City Council. The remaining 30% will go to the Neighbourhood Council but it is impossible to see that money raised from, say, Eye, could be spent in Barnack.

The pressure on councillors is too great. Personally I can easily have six meetings a week. The NC has increased the number of meetings; not by one every few weeks but there have been pre-meetings, priority settings and agenda setting.

Village rivalry is an issue which has not been taken into account. Simply to suggest that 'The villages have to learn to work together' shows a lack of understanding and human nature. Personally, I found that putting a ward structure together took three years but has slowly become a successful way of working."

Councillor Michael Fletcher

No one can make a judgement without knowing what has actually been achieved and at what cost. I have asked on a number of occasions to be provided with the actual cost for last year. To date I have never been provided with this information. I have previously asked for a breakdown (middle of last year) of what has actually been achieved for both North and South Bretton.

This is the reply:

Cllr Fletcher,

Please accept my apologies for the delay in responding. See responses to the queries you raised below:

Previous consultation event which took place outside Sainsbury's in Bretton - the information which was collated was used in conjunction with the survey results to structure the Community Planning Event which took place at The Cresset in Bretton.

The most recent consultation event results will be used to feed into the Community Action Plan for Peterborough West. Actions which we have taken forward already in response to the consultation are looking in to the green area in Naseby Close (PCC have selected this area for an upgrade and will be renewing the play equipment shortly), enquiries regarding activities for young people in the area (The Spinney play centre has advised that they will now be opening one night a week for 13 – 19 year olds and are seeking funding in respect to lighting to enable them to open during the winter months) and concerns are being addressed in respect to the speed limit in Eyrescroft (Average speed surveys are to be carried out at the start of the school day and under free flow conditions, the Road safety team are also looking at repeating a campaign they carried out in the area last year to encourage drivers to slow down).

The condition of the Copeland Car Park – Senior officers are continuing to examine the options available regarding the issue of the Copeland car park. As you are aware the land is currently owned by The Crown who have no active part in maintaining the area. Despite numerous attempts to contact and arrange meetings with The Crown's solicitor we have been unable to discuss the situation with them, therefore it has been very difficult to make any progress. We will keep you fully informed of any updates with this case.

Councillor Michael Fletcher continued

The cost of Neighbourhood Councils – This is currently being calculated as part of the current budget review work. As soon as we have some information to share we will of course ensure you receive it.

I hope this clarifies the situation with the queries you have raised. If I can be of any further assistance, please do not hesitate to contact me either by email or my mobile 07984 044373.

Caroline Rowan, Neighbourhood Manager.

It is blatantly obvious that at that time, nothing worthwhile had been achieved. It also demonstrates that monthly costings are not being prepared and highlights the gross failings of the finance department to keep this kind of expenditure under tight review. To date, they have been unable to provide the financial information that should be readily available to prove the viability of the undertaking. When members are unable to get this information it is certainly unacceptable and makes the due process of a scrutiny review impossible.

Yesterday evening (20/12/2010) I attended the North West Neighbourhood Council meeting. There were a total of 23 people in attendance. Of these 9 were local residents. The rest made up of council employees, one from Cross Keys and an ET reporter. Clearly, the residents are not supportive of this in sufficient numbers to make the exercise worthwhile. Why do more people not attend? It could be as a result of the extreme cold. Or maybe better advertising is required.

As a direct result of the way the proposals under discussion were put forward, voted upon and a decision made does not in any way involve the residents. It is my opinion that the meeting was actually a waste of time and money. It is somewhat illogical to call a public meeting, put forward certain proposals that have been decided upon in advance and then those councillors who have made the proposals in the first place are the only ones allowed to vote. That surely defeats the whole objective of involving the community in the decision making process.

To sum up.

On past and present performance the neighbourhood councils do not appear to be working.

Can the whole idea be improved?

Is there a sufficient amount of residents who are actually interested enough to attend the meetings?

Should residents have a better opportunity to put forward their own proposals?

After almost two years should not the cabinet members be coming up with a revised proposal to make the idea work, or are they bereft of any new initiative?

It could be argued that if a ward councillor is doing the job correctly then the neighbourhood councils are completely unnecessary.

I hope my observations will provide a basis for logical debate.

Councillor Pam Kreling

As far as I am concerned, I find the Neighbourhood Councils a complete waste of money, which is very scarce at present. The money could be better spent on Crossing patrols for schools which are under review at present

(iii) Survey results

A copy of the survey issued at the latest round of Neighbourhood Council meetings is attached at appendix 1. For the purposes of this report, the focus is on the following survey questions:

- Do you believe that the Neighbourhood Council has given you a greater say in what happens in your community?
- Do you believe that you can really influence the Council and its decision makers through the Neighbourhood Council?
- What changes would you make that you think would really encourage your friends and neighbours to attend Neighbourhood Councils regularly?
- Do you have any other comments regarding the Neighbourhood Council, for example what their objective should be, choice of venue, etc?

To date 68 surveys have been completed, and the results are described below. Many comments were added to completed surveys, **but only those directly associated with this stage of the Review of Neighbourhood Councils are captured below.** ALL other results and comments will be recorded in the report for the second stage of the Review.

***N.B.** Surveys were completed anonymously in most cases, and it is therefore possible that some of the responses are from partner organisations, councillors and officers.*

Do you believe that the Neighbourhood Council has given you a greater say in what happens in your community?

Yes:	36 (53%)
No:	22 (32%)
Other (no answer or not sure)	10 (15%)

Specific comments relevant to Stage 1 of the Review:

“Waste of taxpayers money; duplication of Parish Council Liaison and Rural Scrutiny Commission”

“Too early to say, infrequent meetings, lack of teeth and budget responsibility”

Do you believe that you can really influence the Council and its decision makers through the Neighbourhood Council?

Yes:	22 (32%)
No:	16 (24%)
Other (no answer or not sure):	6 (9%)
Question not asked:	24 (35%)

Specific comments relevant to Stage 1 of the Review:

“When it comes to money being spent there is a reluctance to take account of our views”

“Climate of budget reductions means influence likely to be highly marginal”

What changes would you make that you think would really encourage your friends and neighbours to attend Neighbourhood Councils regularly?

“Less regular meetings”

“The Neighbourhood Council would be of much greater interest to the general public if it had more funds to use to deal with problems”

“If the Chairmen and officers weren’t paid”

Do you have any other comments regarding the Neighbourhood Council, for example what their objective should be, choice of venue, etc?

“Regarding the Neighbourhood Council budget – this item needs careful monitoring. You must list the following from each area and present the result at each meeting:

- What is going to be done
- Who is going to do it
- When are they going to do it
- Where will it be done
- The financial situation”

“Please combine this with the Police Panel meeting”

“Unless drastically revamped, they represent poor value for time and cost”

“If the Government want to pass down decisions to local people then the money should follow”

“Tonight was a big waste of taxpayers money, a good panto”

“This was a waste of time and money”

(iv) Information from other local authorities

N.B. Information directly associated with this stage of the Review of Neighbourhood Councils is included below; all other information will be included in the stage 2 report.

Thurrock Council

Thurrock Council are in the process of establishing Area Forums, but report that it is unlikely that any funding will be delegated to them. Their proposal is that each forum is chaired by a Councillor, but that they will receive no additional allowance for doing so. Instead, a budget will be devolved to each individual Councillor.

Luton Borough Council

This Council operate 5 Area Committees with an approximately equal population size in each. They also operate a model of Ward forums – a meeting specific to each ward that runs immediately before an Area Committee meeting.

Each Area Committee has a delegated budget of £12,000 to support local projects, and this largely makes up the extent of their delegated powers.

The Chairs of each of their Area Committees receives an allowance of £1,000.

North Lincolnshire Council

This Council are in the process of establishing a structure similar to that of our own Neighbourhood Councils. They currently do not plan to delegate any funding to them, but have told us that they're aware that Sheffield's Neighbourhood Councils have £300,000 each.

They confirm that their Chairs will not receive a special responsibility allowance.

They envisage that their meetings will be held monthly.

They also provided a paper previously produced highlighting the experiences of other areas who have established Neighbourhood Councils or similar. Of those they say:

- Tameside have devolved £11.8m and 233 staff to its Area Assemblies
- Cardiff operate a 6-area model, comprising Area Committees (Members only), Area Forums (Members and wider community) and multi-agency neighbourhood management
- Hull operate a 7-area model, comprising Area Committees (Members only) and a network of neighbourhood forums
- Islington have 4 Area Committees each with a delegated budget of £80,000
- Oxford operate 6 multi-agency Area Committees with responsibility for developing an area plan
- Glasgow have one Area Committee per ward, with a total citywide budget of £1.7m allocated across the Committees

5. Conclusions and Recommendations for Stage 1

It is clear that if Neighbourhood Councils are to be the key forum for making decisions about a local community, as much funding as possible needs to be delegated to them. Whilst it is acknowledged that not every decision or improvement requires financial investment, it is also acknowledged that where such investment is available it needs to be prioritised and spent in ways that meet local needs that are best identified through Councillor and public involvement, in a process supported by Council officers. This is reflected in the spirit of the new Localism Bill which supports decentralisation and greater community input.

Recommendation 1:

That the principle of delegating as much revenue and capital funding as possible is agreed as a driving principle behind Neighbourhood Councils, in line with the spirit of the new Localism Bill, and that this principle is agreed by Councillors and shared with officers.

Recommendation 2:

That a commitment is made to reviewing the Constitutional delegations to Neighbourhood Councils in support of maximising funding delegated to them. More detailed recommendations on Constitutional delegations will follow in the second stage report.

In 2010/11 £25,000 has been available to each Neighbourhood Council to spend on local capital projects. Although in some areas decisions on this investment are still being debated, it is clear that this relatively small level of funding has been critical in helping to demonstrate that Neighbourhood Councils are meaningful and can address local priorities.

From 2011/12, it is anticipated that Planning Obligations Implementation Scheme (POIS) monies will be delegated, in part, to each Neighbourhood Council and this is warmly welcomed. However, there remains significant concern regarding the process for allocating this money and precisely how equitable it will be across the whole of Peterborough.

Recommendation 3:

That the current level of £25,000 funding is guaranteed from 2011/12 onwards as a minimum sum available to each Neighbourhood Council, but could be offset by any POIS monies that become available in a Neighbourhood Council area. This would mean that if POIS totalled more than £25,000 it would replace the £25,000 core funding; if POIS totalled less than £25,000, then the minimum total of £25,000 would still be guaranteed.

Recommendation 4:

That the process for determining and allocating POIS monies be carefully assessed and agreed to ensure that all parts of Peterborough benefit from growth and new development.

A small capital budget and the POIS monies form only part of the overall potential for delegating budgets to Neighbourhood Councils. If Neighbourhood Councils are to perform to their maximum potential they need to be able to direct the way that appropriate **mainstream** revenue funding is spent in their area. Whilst this may not be possible with some mainstream budgets – for example, spending in schools – there are significant other budgets where this type of disaggregation would be possible. The experience so far, for example, with seeking to disaggregate elements of the City Services budget as part of the outsourcing programme is encouraging and lessons can be learned from this.

Recommendation 5:

That mainstream revenue budgets are disaggregated, wherever possible, feasible and legal, and delegated to Neighbourhood Councils to prioritise and control in order to best meet local needs. To facilitate this as early as possible, a pilot programme should be implemented focussing on a specific part of Council activity before a more expansive roll-out programme.

In order to ensure that all available financial and other resources are allocated by Neighbourhood Councils in the most appropriate way, the need for robust, evidence-based and comprehensive Neighbourhood Plans is ever more critical. The new Localism Bill identifies the purpose of such plans in its drive to involve local people in making the right decisions for their area.

Recommendation 6:

That Neighbourhood Plans are produced for each of the Neighbourhood Council areas in line with the thinking articulated in the Localism Bill in order to help determine how all funding and other resources delegated to Neighbourhood Councils should be spent.

Currently the Council has a budget of £240,000 which is delegated to Councillors at a rate of £10,000 per ward, to form the Community Leadership Fund (CLF). This Fund has enabled a significant number of local projects to be funded easily and rapidly, and has supported many local groups and organisations. However, in the current austere climate the CLF budget needs to be working as hard as possible on projects and interventions which are determined to be the highest priority for local communities.

Recommendation 7:

That the Community Leadership Fund is maintained at £10,000 per ward, but that 25% of that budget is allocated by Councillors to meet needs identified through the Neighbourhood Council Neighbourhood Planning process.

One way of reducing costs would be to reduce the frequency of Neighbourhood Council meetings. However, this works absolutely against the vision for Neighbourhood Councils shared by most, and against the principles behind the Localism Bill. It is recognised that continuing with the meetings at their current quarterly frequency whilst they have limited or no real decision making potential is counter-productive, but there is a huge level of confidence that this review will transform Neighbourhood Councils into the type of forum they were established to be. There has also been some good progress made in relation to the Rural North Neighbourhood Council and its role in relation to Parish Councils. Appropriate learning should be drawn from this.

As part of the issue of frequency, other community-based meetings should also be reviewed with a view to ensuring no duplication and, where possible, to combine meetings. This should include meetings arranged by our partners in addition to any organised by the Council.

Recommendation 8:

To maintain the frequency of Neighbourhood Council meetings as four per year in each area. Any future change to this pattern should see an *increase* rather than *decrease* in the frequency of meetings.

Recommendation 9:

To conduct a thorough review of all other community-based meetings with a view to combining meetings wherever possible.

Recommendation 10:

That the ongoing but separate review of the Rural North Neighbourhood Council be included in the overall review of Neighbourhood Councils to ensure shared learning and avoidance of confusion and misinformation.

Greater credit needs to be given to the process surrounding and supporting Neighbourhood Councils that is managed by the Neighbourhood Managers. Neighbourhood Management Delivery meetings, where they exist already, are proving to be highly successful at progressing lower level actions with little or no financial resources required, and are a meaningful way of engaging with partners to achieve value for money as well as identifying issues that need to be escalated to the full Neighbourhood Council. The relationship and link between the Neighbourhood Management Delivery meetings and Neighbourhood Councils should be clearly articulated, so that the Neighbourhood Council remains the overall decision making body, with the Neighbourhood Management Delivery meeting progressing actions it agrees.

Recommendation 11:

That Neighbourhood Management Delivery meetings, led by the relevant Neighbourhood Manager, be created in **all** Neighbourhood Council areas as a means of engaging and progressing actions between Neighbourhood Council meetings. Neighbourhood Management Delivery meetings should usually take place or otherwise communicate each month, and all ward Councillors for that area should be invited, along with a range of partners (e.g. Police, social landlords, voluntary sector etc), and supporting officers as appropriate.

The cost of running a Neighbourhood Council meeting is in the region of up to £900 per meeting. This comprises costs for venue hire, refreshments, sound equipment, printing, publicity, and the staff costs of the Neighbourhood Management and Democratic Services teams, but excludes the costs of any other staff present and the Chair's Special Responsibility Allowance. It has been normal practice for a number of Council officers to be present to support the debate and discussion, but this adds significantly to the costs of running Neighbourhood Councils.

Recommendation 12:

To maintain minimal staffing costs by ensuring only essential Council officers are present at each Neighbourhood Council meeting. One Neighbourhood Manager and one Democratic Services Officer should be sufficient for most meetings, with others generally there only to present on specific items.

Each Neighbourhood Council Chair receives a Special Responsibility Allowance of £7,166 per year. In addition to chairing between eight and twelve meetings each year, the Chairs also engage frequently with their Neighbourhood Manager and fellow Councillors on matters directly associated with Neighbourhood Council business. Whilst not diminishing the significance of the Chairs role, ALL Councillors should be actively involved in their Neighbourhood Council meeting and the supporting and communicating framework that exists around it, enabling Neighbourhood Councils to be seen as 'business as usual'. Further, it would be of greater relevance if the Chairs were also Councillors from one of the wards represented at that Neighbourhood Council.

Recommendation 13:

That ALL Councillors are encouraged, through a flexible and modern programme of continuous training and development, to actively participate in all aspects of Neighbourhood Council business, this training and development programme to incorporate the broader aspects of Neighbourhood Management, Localism and Big Society.

Recommendation 14:

That the Special Responsibility Allowance for Neighbourhood Council Chairs is no longer awarded, reflecting the greater role to be played by ALL Councillors in relation to Neighbourhood Councils. Each of the seven Neighbourhood Councils should elect its own Chair who should be a Councillor from one of the wards represented at that Neighbourhood Council.

Finally, as it is anticipated that Neighbourhood Councils will develop rapidly and positively, it will be essential that the recommendations in this report that are eventually agreed are monitored and regularly reviewed. The Task and Finish group have agreed that they would like to continue to function as a cross-party working group after the review is complete in order to oversee its implementation and development.

Recommendation 15:

That the Recommendations, when agreed, form part of an overall implementation plan for Neighbourhood Councils alongside the recommendations that emerge from stage two of the Review. This implementation plan should be overseen by the cross-party working group formed from the task and finish group, and become a standing item at all Strong and Supportive Communities Scrutiny Committee meetings, with regular updates also provided to Cabinet and Group Representatives.

6. Summary list of recommendations, with lead officers and target dates identified

	RECOMMENDATIONS	LEAD OFFICER	TARGET DATE	CONTRIBUTES TO SAVINGS??
1.	That the principle of delegating as much revenue and capital funding as possible is agreed as a driving principle behind Neighbourhood Councils, in line with the spirit of the new Localism Bill, and that this principle is agreed by Councillors and shared with officers.	John Harrison	31/3/11	Potentially – through better decision making and reducing waste
2.	That a commitment is made to reviewing the Constitutional delegations to Neighbourhood Councils in support of maximising funding delegated to them. More detailed recommendations on Constitutional delegations will follow in the second stage report.	Helen Edwards	28/2/11	Potentially – through better decision making and reducing waste
3.	That the current level of £25,000 funding is guaranteed from 2011/12 onwards as a minimum sum available to each Neighbourhood Council, but could be offset by any POIS monies that become available in a Neighbourhood Council area. This would mean that if POIS totalled more than £25,000 it would replace the £25,000 core funding; if POIS totalled less than £25,000, then the minimum total of £25,000 would still be guaranteed.	Steven Pilsworth	23/2/11	Yes – if POIS revenue exceeds the minimum £25k
4.	That the process for determining and allocating POIS monies be carefully assessed and agreed to ensure that all parts of Peterborough benefit from growth and new development.	Adrian Chapman	28/2/11	Yes – through maximising POIS revenue to be spent on priority projects
5.	That mainstream revenue budgets are disaggregated, wherever possible, feasible and legal, and delegated to Neighbourhood Councils to prioritise and control in order to best meet local needs. To facilitate this as early as possible, a pilot programme should be implemented focussing on a specific part of Council activity before a more expansive roll-out programme.	Steven Pilsworth & Adrian Chapman	31/3/11	Potentially – through better decision making and reducing waste
6.	That Neighbourhood Plans are produced for each of the Neighbourhood Council areas in line with the thinking articulated in the Localism Bill in order to help determine how all funding and other resources delegated to Neighbourhood Councils should be spent.	Adrian Chapman	1/5/11	Yes – through ensuring investment is prioritised
7.	That the Community Leadership Fund is maintained at £10,000 per ward, but that 25% of that budget is allocated by Councillors to meet needs identified through the Neighbourhood Council Neighbourhood Planning process.	Steven Pilsworth	23/2/11	Yes – through ensuring a proportion of investment is prioritised
8.	To maintain the frequency of Neighbourhood Council meetings as four per year in each area. Any future change to this pattern should see an <i>increase</i> rather than <i>decrease</i> in the frequency of meetings.	Adrian Chapman	23/2/11	No

	RECOMMENDATIONS	LEAD OFFICER	TARGET DATE	CONTRIBUTES TO SAVINGS??
9.	To conduct a thorough review of all other community-based meetings with a view to combining meetings wherever possible.	Adrian Chapman	31/3/11	Potentially – by reducing officer costs, venue costs etc
10.	That the ongoing but separate review of the Rural North Neighbourhood Council be included in the overall review of Neighbourhood Councils to ensure shared learning and avoidance of confusion and misinformation.	Adrian Chapman	31/1/11	No
11.	That Neighbourhood Management Delivery meetings, led by the relevant Neighbourhood Manager, be created in all Neighbourhood Council areas as a means of engaging and progressing actions between Neighbourhood Council meetings. Neighbourhood Management Delivery meetings should usually meet or otherwise communicate each month, and all ward Councillors for that area should be invited, along with a range of partners (e.g. Police, social landlords, voluntary sector etc), and supporting officers as appropriate.	Adrian Chapman	31/3/11	Yes – by ensuring that agreed actions are taken forward promptly
12.	To maintain minimal staffing costs by ensuring only essential Council officers are present at each Neighbourhood Council meeting. One Neighbourhood Manager and one Democratic Services Officer should be sufficient for most meetings, with others generally there only to present on specific items.	Adrian Chapman	March 2011	Yes
13.	That ALL Councillors are encouraged, through a flexible and modern programme of continuous training and development, to actively participate in all aspects of Neighbourhood Council business, this training and development programme to incorporate the broader aspects of Neighbourhood Management, Localism and Big Society.	Adrian Chapman	May 2011	Yes – by encouraging and enabling better decision making
14.	That the Special Responsibility Allowance for Neighbourhood Council Chairs is no longer awarded, reflecting the greater role to be played by ALL Councillors in relation to Neighbourhood Councils. Each of the seven Neighbourhood Councils should elect its own Chair who should be a Councillor from one of the wards represented at that Neighbourhood Council.	Helen Edwards	23/2/11	Yes
15.	That the Recommendations, when agreed, form part of an overall implementation plan for Neighbourhood Councils alongside the recommendations that emerge from stage two of the Review. This implementation plan should be overseen by the cross-party working group formed from the task and finish group, and become a standing item at all Strong and Supportive Communities Scrutiny Committee meetings, with regular updates also provided to Cabinet and Group Representatives.	Adrian Chapman	21/3/11	Yes

The Review Group would like to note their thanks for the support given to them by Paulina Ford, Research and Project Advisor and Adrian Chapman whilst conducting this review.

They would also like to thank and acknowledge the support and information given to them by Councillor Cereste, Councillor Seaton, Councillor Nash, Councillor Goodwin, Julie Rivett and Lisa Emmanuel.



Neighbourhood Councils - Evaluation and feedback

1. Do you believe that the Neighbourhood Council has given you a greater say in what happens in your community?

Yes No 1a. Please explain your answer:

.....
.....

1. Why have you attended your Neighbourhood Council?

I regularly attend to report a single issue Network

Other Interested in a particular agenda item

If other, please explain:

.....
.....

3. Do you believe that you can really influence the Council and its decision makers through the Neighbourhood Council?

Yes No 2a. Please explain your answer:

.....
.....

3. How would you prefer to receive feedback from your Neighbourhood Council?

Verbal next meeting PCC Website Email Letter Your Peterborough

Other (specify)

4. How did you hear about this meeting?

Your Peterborough PCC Website Email Poster Direct Invitation Other

If other, please explain:.....

5. Do you have any other venues that you think these meetings should be held at to increase attendance?

.....

6. What changes would you make that you think would really encourage your friends and neighbours to attend Neighbourhood Councils regularly.

.....

.....

7. Do you have any other comments regarding the Neighbourhood Council, for example what their objective should be, choice of venue, etc?

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CABINET	AGENDA ITEM No. 5
7 FEBRUARY 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste, Portfolio Holder for Growth, Strategic Planning and Economic Development	
Contact Officer(s):	Richard Kay – Policy and Strategy Manager, Chief Executives Peter Heath-Brown – Planning Policy Manager, Chief Executives Andrew Edwards – Head of Peterborough Delivery Partnership	Tel. 863795 863796 384530

PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK: PETERBOROUGH CORE STRATEGY (VERSION FOR ADOPTION)

RECOMMENDATIONS	
FROM : Head of Peterborough Delivery Partnership	Deadline date : 23 February 2011
<ol style="list-style-type: none"> 1. That Cabinet notes the conclusions of the independent Inspector who was appointed to examine the council's submitted Core Strategy. 2. That Cabinet recommends to Council the adoption of the Peterborough Core Strategy, incorporating changes as recommended by the Inspector. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following Council's decision on 2 December 2009 to approve the Peterborough Core Strategy (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the plan was submitted to the Secretary of State. Subsequently, an independent Inspector appointed by the Secretary of State has sent her report to the Chief Executive setting out her conclusions on the Core Strategy.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to set out the recommendations made by the independent Inspector and, subsequently, seek Cabinet's approval to recommend the Core Strategy to Council for adoption.

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

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	7 February 2011
Date for relevant Council meeting	23 February 2011	Date for submission to Government Dept	N/A

4. PETERBOROUGH CORE STRATEGY – THE INSPECTOR’S REPORT AND THE CORE STRATEGY RECOMMENDED FOR ADOPTION

Introduction

- 4.1 The preparation of the Peterborough Core Strategy has reached its final stage. Following considerable public consultation, over many years, we have now reached the stage where Council has to decide whether to adopt the Core Strategy as part of its major policy framework.
- 4.2 Cabinet will recall that on 12 October 2009, the ‘submission’ version was considered by Cabinet before subsequently considered and approved by Council on 2 December 2009. That approval set in motion two key events:
- (i) the issuing of the Core Strategy for its final public consultation stage (January-March 2010); and
 - (ii) the ‘examination’ of the Core Strategy by an Independent Inspector appointed by the Secretary of State (summer-autumn 2010), and the subsequent issuing of an ‘Inspector’s Report’ (January 2011) setting out her recommendations for changes to the Core Strategy.

Content of Core Strategy

- 4.3 Before coming to the Inspector’s findings and recommendations, Cabinet may wish to remind themselves as to the purpose, content and status of the Core Strategy. If adopted, it will become part of the statutory development plan, and, as such, will be part of the Council’s major policy framework. It will be one of the documents that will gradually replace the existing Peterborough Local Plan (2006), complemented by a suite of other documents (such as the Site Allocations Document) that together comprise the LDF.
- 4.4 The Core Strategy sets out the vision, objectives and overall strategy for the development of Peterborough up to 2026, together with a limited number of policies that are core to achieving or delivering that strategy. It reflects the Sustainable Community Strategy for Peterborough, with consistency of vision and priorities, demonstrating how the spatial elements of that Strategy will be delivered.
- 4.5 Although the Core Strategy is accompanied by a key diagram which shows pictorially some of the key elements of the development strategy, it does not have a proposals map drawn on an Ordnance Survey base. This is because the details of site boundaries (for example, the allocation of specific parcels of land for particular forms of development, or the specific boundaries of areas in which a planning policy might apply) are matters for other documents in the LDF (such as the Site Allocations Document), which are in themselves well advanced but must await the adoption of the Core Strategy.
- 4.6 The Core Strategy sets out the blueprint for the future of Peterborough. It aims to deliver 25,500 new homes and 24,600 new jobs, but also sets crucial policy on matters such as affordable housing, environmentally friendly building and broad locations for new major development (for homes, jobs, retail and other matters).

The Inspector’s Role and the ‘Inspector’s Report’

- 4.7 Government regulations stipulate that an Inspector must be appointed by the Secretary of State to undertake an ‘Examination’ of a proposed Core Strategy, and consider all comments and objections that have been made. The Inspector holds a ‘Hearing’ session as part of the Examination process. The Inspector then subsequently issues an ‘Inspector’s Report’, which must state either:
- (i) That the Core Strategy is ‘unsound’, and that it is impossible for changes to be made to it to make it ‘sound’; under this scenario the Council is not permitted to adopt the Core Strategy;

- (ii) That the Core Strategy is 'sound', provided (in most instances) that certain changes as recommended by the Inspector are made to the Core Strategy before it is adopted.

4.8 We are very pleased to report that the Inspector, Dr Shelagh Bussey, who was appointed to examine the Peterborough Core Strategy, has found our strategy 'sound' and, in effect, has given permission to the city council to adopt the Core Strategy provided her recommended changes are incorporated into the final adopted version of the Core Strategy. Her full report is attached at Appendix A.

4.9 Pleasingly, and not common from a national perspective, her report only makes a few relatively minor changes to the strategy, all but one of which were agreed with planning officers at the time of the Examination.

4.10 The only additional change recommended by the Inspector requires the council to maintain up-to-date information on the needs of the Gypsy and Traveller community for use when planning any new Gypsy and Traveller pitches. However, the inspector does not allocate any new sites for Gypsy and Travellers nor does she set any specific target number of pitches that should be provided. Officers consider that this additional recommendation by the Inspector is sensible, and officers do not see any reason to not accept it.

4.11 It is, however, worth highlighting other comments made by the Inspector in her report, which demonstrate that not only does the Inspector consider the plan to be 'sound' but also that it is a well prepared, appropriate and sensible strategy for the city, supported by considerable evidence. To illustrate, the Inspector found that:

- The core strategy "is an ambitious plan...to deliver a bigger and better Peterborough" (para 7)
- The vision set out in the plan "is locally distinctive and provides a clear sense of how the city will develop" (para 11)
- The evidence which supported the preparation of the plan is "robust, extensive, but proportionate" (para 7)
- Eye / Eye Green is "appropriately categorised" as a Key Service Centre (para 22)
- The policies for the location of major development (such as an urban extension at Great Haddon and a regional freight interchange at Stanground) "are justified by the evidence, are the most appropriate to achieve the vision and objectives of the core strategy, and... they are effective, deliverable and consistent with national policy" (para 44)
- With respect to the housing growth targets, the "provision for around 25,500 net new dwellings by 2026 provides an appropriate and soundly based target for the current core strategy" (para 48)
- With respect to the employment growth targets (24,600 new jobs), the "intended scale of employment growth and employment land provision is justified" (para 67)
- With respect to infrastructure, "it is evident that the core strategy is underpinned by a clear understanding of the strategic infrastructure requirements that are necessary to deliver its vision and... there is a reasonable prospect for their timely provision" (para 78)
- Peterborough is "well placed" to lead on action to tackle environmental issues and adapt to climate change (paras 88-89)
- With respect to the policy requirement for 30 per cent of all new homes, on sites of 15 or more houses, to be affordable housing, "I have no reason to doubt that the submitted target and threshold are justified and the most appropriate" (para 103)
- The core strategy "appropriately emphasises the priority to enhance the role of the city centre as a regional centre" (para 125).

4.12 However, turning back to her recommended changes, it is important to note that, in accordance with regulations, the recommendations in the Inspector's Report are 'binding' on the council. This means that the council can not 'pick and choose' which of her

recommendations to accept or reject; it must accept them all (if the council wishes to adopt the Core Strategy) or, indirectly, reject them all (and, thus, not adopt the Core Strategy).

Adoption of the Peterborough Core Strategy

- 4.13 Cabinet must decide whether to recommend to Council the adoption of the Peterborough Core Strategy. Attached at Appendix B is the version which Cabinet is asked to recommend, and the version which will be considered by Council on 23 February. This version incorporates all of the recommendations made by the Inspector.
- 4.14 To be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix B. Further changes are no longer permitted.
- 4.15 If Council agree the Core Strategy as per Appendix B, then the document is 'adopted'.
- 4.16 If Council does not agree the Core Strategy as per Appendix B, then, in accordance with the regulations, the Council is not obliged to adopt it. However, as a result of a rather unusual quirk in the plan making system, the Council is equally not permitted to 'withdraw' the earlier draft Core Strategy (submission version – Jan 2010). Effectively, under this scenario, the draft Core Strategy and the Inspector's report go into somewhat of an abyss, neither adopted nor deleted. In reality, the council would in all likelihood commence the preparation of a new Core Strategy which, following the same cycle of extensive consultation and Examination, would eventually supersede this unadopted Core Strategy. The ability, in the meantime, of the council and developers to use the unadopted Core Strategy, and the Inspector's Report, as evidence to support or object to a proposal is a debateable point, and an issue we would have to investigate should the need arise.

5. CONSULTATION

- 5.1 Extensive consultation, over many years, with the public and a wide variety of other stakeholders has taken place. Emerging drafts have also been considered by various Neighbourhood Council, Scrutiny, Cabinet and Council meetings. The Inspector agreed that we had undertaken appropriate consultation.
- 5.2 There is no opportunity for further consultation or comment on the strategy.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will recommend to Council that the Core Strategy, as amended as a result of the Inspector's recommendations, be adopted.

7. REASONS FOR RECOMMENDATIONS

- 7.1 As outlined in the report, Council only has two options available to it; either adopt the strategy or not adopt the strategy. The former is recommended, as it is a statutory duty to prepare a core strategy, and, in adopting it, Peterborough will have a clear and robust policy document setting out its vision, objectives and key planning policies.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The option of not adopting the plan is not recommended, because in doing so the council:
- would have no clear vision or strategy as to how Peterborough will grow;
 - will have no clear policies to progressively push forward on matters such as the environment, affordable homes and job creation; and
 - will be at considerable risk of having to consider ad hoc major planning proposals from developers with no real basis or policy in place for considering such proposals (which in turn could lead to poorly planned growth, reduced investment in Peterborough, lower job growth, increased housing waiting list and insufficient

provision of infrastructure due to uncoordinated, developer-led, development schemes).

- 8.2 In addition, should the Core Strategy be not adopted, this would mean that all other LDF documents currently under preparation (Site Allocations Document, City Centre Area Action Plan, Planning Policies DPD, etc) would need to be put on hold for perhaps 3-4 years until a revised Core Strategy was prepared, a situation which would exacerbate the issues identified in paragraph 8.1.

9. IMPLICATIONS

- 9.1 The Core Strategy will have implications for all sectors of society and all wards and parishes of the local authority area. The process of sustainability appraisal, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way.
- 9.2 Legal Implications: On adoption, the Council must consider all planning applications against the policies in the Core Strategy. In addition, all subsequent documents prepared as part of the LDF (such as the Site Allocations Document) must be in accordance with the Core Strategy.
- 9.3 Financial Implications: There are no immediate financial implications flowing from the adoption of the Core Strategy. The detailed financial implications of the growth described will be assessed as individual schemes develop, and these will be incorporated into the Council's Capital and Revenue financial planning processes.

10. BACKGROUND DOCUMENTS

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

None

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CABINET	AGENDA ITEM No. 6
7 FEBRUARY 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste, Portfolio Holder for Growth, Strategic Planning and Economic Development	
Contact Officer(s):	Richard Kay – Policy and Strategy Manager, Chief Executives Anne Keogh – Housing Strategy Manager, Chief Executives Andrew Edwards – Head of Peterborough Delivery Partnership	Tel. 863795 863815 384530

AFFORDABLE HOUSING CAPITAL FUNDING POLICY

RECOMMENDATIONS	
FROM : Head of Peterborough Delivery Partnership	Deadline date 7 February 2011
1. That Cabinet adopts the Affordable Housing Capital Funding Policy as set out at Appendix A, publishes the policy document on the website, and ensures appropriate bodies are made aware of the document.	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet by Cllr Cereste and Cllr Hiller, both of whom have portfolios which cut across the issue of delivering affordable housing across the Peterborough area, and following consideration by the Sustainable Growth Scrutiny Committee meeting of 2 February 2011.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to explain, and then recommend approval of, a draft Affordable Housing Capital Funding Policy document.

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

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. AFFORDABLE HOUSING CAPITAL FUNDING POLICY

4.1 In simple terms, the policy document (attached at Appendix A), sets out the rules and procedures which PCC will adopt when awarding grants to Registered Providers (RPs) (previously known as Registered Social Landlords (RSLs)), such grants awarded to enable the continued supply of affordable housing in Peterborough. The funds are made available, mostly, from PCC's accumulated right-to-buy capital receipts and are intended to supplement other sources of funding (such as from the Homes and Communities Agency).

4.2 Whilst this process of awarding grants has occurred for a number of years, take up has been relatively low mainly because sufficient money has been available from Government through the Homes and Communities Agency to support provision of affordable housing.

However, with central funding now coming under severe pressure, Peterborough is unlikely to see anything like the same level of central funding to support affordable housing compared to what it has enjoyed over the past few years.

- 4.3 As such, we anticipate a significant increase in 'bids' from RPs to the Council's accumulated funds. This, in turn, has meant officers have undertaken a thorough review of the policy and process for awarding such grants and has reached the conclusion that a refresh of such policy and process was necessary and, importantly, agreed by Cabinet so that there can be no question of the council not being fair, open and transparent in respect of how it will (or will not) award affordable housing funds.
- 4.4 This report and supporting documents are not radically changing the current policy or processes that have been applied to date. However, the main difference is that officers are recommending to more formalise the bidding and allocation of funds process. The current policy and process had been devised by officers and signed off via the CMDN process. It is largely an unknown and relatively unclear process to anyone other than the officers directly involved. Officers believe that this situation needs to be changed, especially as demand on the fund is now likely to increase. As such, should Cabinet agree to adopt and publish the attached policy, its process and criteria for awarding grants becomes more open, transparent and fair.
- 4.5 It is important to point out that grants are only available to not-for-profit Registered Providers. This is for two reasons: first, because the Council has previously made contractual and policy commitments to limit it in this way (via the Large Scale Voluntary Transfer contract and the council's current Housing and Capital strategies); and secondly, because to offer grants to private developers could easily risk expensive and time consuming legal complications around attempting (and potentially failing) to comply with 'State Aid Rules'.
- 4.6 It is also important to note that **national** policies and programmes relating to housing in general, but especially affordable housing, are going through some significant changes at present, the full outcome of which is not yet known. **Local** priorities for housing are also under review, and will culminate in a new 'Peterborough Housing Strategy' hopefully being agreed by the council during the mid part of 2011. This strategy will cover housing from a wide remit, such as: helping to deliver growth; meeting housing needs; regenerating existing housing stock; and using housing programmes to help create sustainable and mixed communities. The intention is for this local strategy to also highlight particular areas for targeted action, as well as prioritising key types of action/intervention which the council will undertake.
- 4.7 Commentary in the policy document acknowledges this changing national and local context, but as a whole the policy document is sufficiently flexible to adapt to these changes as they emerge. However, to ensure the limited capital funds are targeted wisely and fully in line with corporate priorities of the council, there is a clause in the policy document which explains that, prior to the adoption of the local Peterborough Housing Strategy referred to above, only exceptional bids (i.e. ones which score very highly against the criteria in the policy) will be awarded grants.
- 4.8 Overall, the key issues addressed by the policy document are:
- the processes and protocols for bidding and allocating grant funding to RPs;
 - the criteria we will adopt to determine applications for funding;
 - who is responsible for what in signing off bids (as per the constitution); and
 - model 'terms and conditions' for any successful grant awards.

5. CONSULTATION

- 5.1 The draft policy has been prepared by the Housing Strategy and Enabling team, but supported by a panel of officers across the council covering legal, planning, property and finance teams.

5.2 In addition, a 10 day consultation period on the draft policy took place with our seven local RP partners from 11th - 20th January. We received four sets of detailed comments by the closing date. Some of the key issues raised were as follows, together with officer response and recommendations:

RP comment on the draft document	Officer response to the comment
<p>Strong support for the proactive and organised policy approach as set out in the draft document, support the transparency of the approach, support the concise nature of the application form and welcomed the opportunity to comment at the drafting stage.</p>	<p><i>Support welcomed and noted</i></p>
<p>Clarification requested on how emerging new government policy (such as the new 'affordable rents' national proposal) will be taken into account.</p>	<p><i>This is fair comment. A variety of new Government initiatives are currently being consulted upon, including the issue of rent levels for affordable homes. One proposal is for all council's to be required to prepare a Strategic Tenancy Policy to cover this issue. The policy document at Appendix A is considered flexible enough to take into account new national and local policy as it arises, but we have added additional wording at the end of section 2.3 to emphasise this point.</i></p>
<p>Clarification requested on precisely how Code for Sustainable Homes (CSH), Building for Life (BfL) and Lifetime Homes (LH) elements will be appraised.</p>	<p><i>The appraisal process set out in the policy document does not <u>require</u> minimum levels of CSH, BfL or LH, but rather a criterion on these matters collectively are scored out 10. Clearly, if low or zero CSH, BfL and/or LH are submitted in a bid, then the bid would be scored lowly on this criteria and would unlikely be recommended for funding. But there is no strict 'fail' on this point, as the scheme may be excellent in other respects which makes up for a low-medium score on CSH, BfL and LH. Additional text has been added to clarify this point. Of course, these matters are also planning policy issues, so a poor level of CSH, BfL and/or LH could well fail planning consent and in which case funding would not be given.</i></p>
<p>Should the term RSLs (as stated in the draft document) be amended to 'Registered Providers'? We think the latter.</p>	<p><i>According to HCA advice, the Housing and Regeneration Act 2008 generally replaced the term Registered Social Landlord (RSL) with the term "Registered Provider". All providers of social housing are listed on a register and become a "Registered Provider" (RP). A distinction between this system and the old system of RSLs is that a provider of social housing can now be either a non-profit organisation or a profit-making organisation. Each body will be designated as one or the other upon being entered on to the register. RSLs automatically became non-profit registered providers under the new system.</i></p> <p><i>We therefore accept this point, and have changed the wording from Registered Social Landlord to Registered Provider, but we have made it clear that only 'not for profit' Registered Providers can bid for funding.</i></p>
<p>Need to ensure that the approach truly enables local delivery, rather than adds bureaucracy</p>	<p><i>This comment appears to have been made as a truism, rather than as a criticism of what we have drafted, but the point made is agreed. We think we have minimised the amount of information required as part of the bid (for</i></p>

	<i>example, by making use of standard information bidders would need to have already done when they approach the HCA for funding), but we do have to have sufficient information in order to fairly and carefully appraise bids, especially considering the large sums of money involved. We think we have struck a good balance. It should be noted that we are not requiring any provider to bid, it is simply an option open to them should they require additional financial support.</i>
Link to the Peterborough Delivery Partnership (PDP) disposal strategy which RPs were recently consulted on?	<i>The Policy at Appendix A sets out how we will fund RP projects. The disposals strategy and partnerships falls outside this policy and will be subject to a separate agreement of Cabinet at a future date. The partnership aims to establish a relationship between PCC and a RP so that a joint benefit can be provided by combining resources, assets etc. Whilst this will be a consideration as part of the funding policy, we have to recognise that some RPs may fall outside the partnership agreement but will still be entitled to submit an application for funding. Giving too great a weighting to the agreement could eliminate these RPs when they have beneficial proposals. No change to the policy, therefore, is required.</i>
The draft states we must bid to HCA first, but HCA bidding process is changing – how will those changes be taken into account?	<i>This is fair comment. HCA is reviewing its processes for awarding funding, with details not yet available. However, the policy document at Appendix A is considered flexible enough to take into account new national and local policy as it arises, but we have added additional wording at the end of section 2.3 to emphasise this point.</i>
Inconsistency between the policy document and the template legal agreement over payment timing. Please clarify.	<i>Agreed, and thank you for spotting this. Both are consistent now.</i>

5.3 Other detailed points, or general queries, raised by the respondents are at the time of writing being appraised and clarified. Whilst not anticipated, if any issue as a result of that process arises which requires the policy at Appendix A to be amended, then this shall be orally raised at the Cabinet meeting.

5.4 Sustainable Growth Scrutiny Committee are scheduled to consider the draft policy on 2 February 2011. An oral update of Scrutiny’s views will be given at the meeting.

5.5 It is not considered necessary for any wider consultation to take place, as only the RPs (which we have consulted) are permitted to bid for funding.

5. ANTICIPATED OUTCOMES

5.1 Cabinet is anticipated to approve and adopt the policy document.

6. REASONS FOR RECOMMENDATIONS

6.1 By adopting the policy, the city council will have in place an open, transparent, and fair process in place. It will encourage high quality bids, which in turn will enable a continued supply of high quality affordable housing provision.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 **No Policy Document:** this option was rejected because a continuation of the current process could be open to challenge by RPs or, from a wider perspective of public spend, the general public. This is not to say that the current process is wrong in any way, or has

reached any unsatisfactory decisions, or has been challenged by anyone; rather it is considered that the process and policy needs to be updated, formalised and made more transparent.

- 7.2 **Alternative Policy:** Variations of the document attached at Appendix A are possible, and Cabinet may wish to seek changes. For example: the bid limits could be increased or decreased; the criteria for assessing bids could be amended; the scoring system to assess bids could be varied (to put more weight on one criterion more than another). However, the policy document as attached has been thoroughly considered by a senior officer in housing, planning, finance, property and legal teams and is therefore considered to be sound and most appropriate.

8. IMPLICATIONS

- 8.1 This policy document, when adopted, will give officers, Members and bidders (RPs) a clear, robust and transparent process for awarding significant grants (potentially of up to £2m each) for the provision of affordable housing throughout Peterborough. It will also ensure funds are allocated in line with the council's strategic priorities.
- 8.2 **Financial implications:** the adoption of the policy has no direct financial implications. However, the implementation of it will have significant implications, with single bids potentially of £2m and annual awards of several £million. However, each of those spend will be subject to their own appraisal and approval process, in accordance with the policy document.
- 8.3 **Community implications:** the adoption and implementation of the policy will have significant community benefits as a result of the assistance such funds will bring to the continued supply of high quality affordable housing.
- 8.4 **Legal Implications:** the policy document has been prepared in consultation with officers in the legal department. Any grants which are awarded as a result of this policy will be subject to their individual 'grant award' contract, a template of which is set out as an annex to the policy document.

9. BACKGROUND DOCUMENTS

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

None.

Appendix A

Affordable Housing Capital Funding Policy

Part 1 – Introduction to the Policy

1.1 Introduction

Peterborough City Council is committed to supporting and investing in the provision of affordable housing. To assist provision, the Council has two main sources of funding:

1 – Funds Accumulated Via Right To Buy Transactions: The Council has an affordable housing capital fund which has, and continues to be, funded from resources received on an annual basis as a result of the agreement from the Large Scale Voluntary Transfer of its housing stock to Cross Keys Homes (CKH) in October 2004. The terms of that transfer agreement provide that during the first ten years of the stock transfer the Council will receive part of the sale proceeds from Preserved Right to Buy transactions (Note: Council tenants transferred to CKH retain the right-to-buy). The Council's Capital Strategy states that whilst these receipts form part of its overall corporate resources, the Council is committed to using it to pump-prime opportunities for future affordable housing schemes, in partnership with Registered Providers.

2 – Funds Received Via s.106 Agreements For Off-Site Affordable Housing Provision: In accordance with the Council's planning policy, occasionally it is agreed between the Council and a landowner/developer that rather than providing on-site affordable housing as part of a development scheme, the landowner/developer agrees to pay, via a s.106 Planning Obligation, a sum in lieu of on site affordable housing provision.

Both these capital funds are a finite (and declining) resource and the Council wishes to ensure that they are allocated fairly, transparently and in line with its strategic priorities. For the avoidance of doubt, both of the aforementioned accumulated funds are kept separate by the Council for accounting purposes, but for the purpose of agreeing when and how to release such funds, the policy set out in this paper applies equally to both funding pots unless a specific s.106 Planning Obligation has already agreed a differing arrangement for the spending of a specific contribution from a specific scheme.

1.2 Structure of Document

Part One – Introduction

Part Two – Eligibility

- Who is eligible to bid
- What is eligible for funding
- Demonstrating need
- Size (financial) of bids considered

Part Three – Bidding Process

- How to bid for funding
- Who to send Bids to
- When bids can be submitted

Part Four – Assessment of Bids

- The criteria the Council will use to assess bids
- The procedures we will follow to assess bids
- Confirming decisions
- Successful bids - Funding Agreements
- The financial arrangements for allocating funding

Part Five - Appendices

- Appendix 1 – Application Form
- Appendix 2 – Standard Terms and Conditions

Part 2 – Eligibility

2.1 Who is Eligible to bid for Affordable Housing Capital funding?

Grant applications can only be received from **not for profit** affordable housing **Registered Providers**. This reflects the Council's approach towards investment of the Affordable Housing Capital fund as set out in the Capital Strategy.

2.2 What is eligible for Affordable Housing Capital funding?

Funding must be used to either:

- (a) facilitate the provision of new build affordable housing; or
- (b) acquire stock for conversion to affordable housing.

The proposed scheme must be for a development which will take place entirely within the Peterborough City Council authority area.

Affordable Housing Capital funding must be essential to enable the delivery of the affordable housing in a scheme. This must be demonstrated as part of the bid.

2.3 How Can It Be Demonstrated That There Is A Need For The Funds?

The onus of proving that funding is needed rests with the bidder. If the Council decides that need has not been demonstrated, or is uncertain whether there is a need, then bids will be refused.

To demonstrate need, bidders should (as a minimum) undertake the following:

- (a) Clearly demonstrate which other available avenues of funding have been explored (such as external funding bodies, national funding sources and the RP's own resources) but have not, in whole or part, been successful in achieving the required level of funds needed.
- (b) A Bidder must either:
 - (i) Prior to Bidding, seek funding from the Homes and Communities Agency (HCA) (or any other superseding organisation), and have received confirmation from HCA that funding, in whole or part, is not to be awarded to the scheme (with details of the reasons for the HCA's rejection of the bid supplied with the Bid for Council funding); or
 - (ii) Where it is clearly the case that, at the point of Bidding, there is no (or not recently been or not likely to be in the near future) funding stream available from HCA for the type of affordable housing being proposed in the Bid, then part (i) above will not be required to be undertaken. However, a clear statement confirming this fact, with reasoning, is required.
- (c) Provide a completed appraisal, as per Part 3 below, which should demonstrate the need.

Please note that in the event that there are changes to the way that HCA funds schemes (as is anticipated to occur during 2011) or other changes to local or national policy on funding affordable housing, then such changes will be taken into account by the council as part of the consideration as to whether bidders have appropriately complied with the spirit of the above requirements.

2.4 Size of Bids and Availability of Funds

A bid must be for a minimum of £100,000 and a maximum of £2,000,000.

The council has a target allocation of £4,000,000 of funds in any single year (or limited to the amount of funds remaining available to the scheme, if less than £4,000,000). This maximum annual amount may at the discretion of the Panel (see 4.2 for details of the Panel) be reduced. The Panel will consider such a reduction when it meets for the last time in a financial year (i.e. likely to be in January). RPs are encouraged to seek advice on the budget available before commencing the bidding process.

Part 3 – Bidding Process

3.1 How to Bid for Affordable Housing Capital funding

All Bid applications must:

- (a) be made on the Affordable Housing Capital Grant Application form (see Appendix 1);
- (b) be accompanied by a completed Grimley's economic toolkit appraisal (version as currently endorsed by HCA, and currently found at: <http://www.homesandcommunities.co.uk/economic-appraisal-tool>);
- (c) be accompanied by a completed Build Cost Plan, to help justify the build costs used in the economic appraisal;
- (d) be accompanied by completed Housing Quality Indicators (HQI) forms and scoring sheet (latest versions) as located on the HCA website at the following address: <http://www.homesandcommunities.co.uk/hqi> ;
- (e) include any other information which the applicant considers the Council would find useful to determine the bid (though this should be kept to a minimum and not include material or promotional literature not directly related to the Scheme)

Items (b) and (d) are required as they form the basis of a standard, nationally agreed appraisal process and therefore should be familiar to RPs, as such should not be a burden to applicants.

Item (c) asks for a Build Cost Plan. This Plan should clearly sets out all the costs associated with delivering a proposed development, including for example initial site development costs (such as site clearance, demolition, ground remediation works), prelims, roads & sewers, services, flat/house build costs and landscaping. Usually a developer will have their own in-house QS or build manager who would prepare the Plan. Alternatively an external company of surveyors or cost consultants could prepare one.

RPs are responsible for obtaining all information necessary for the preparation and submission of their application. RPs must satisfy themselves of the accuracy of any information provided to the Council.

3.2 Who to send Bids to

Grant applications must be submitted to:

Housing Strategy Manager
Strategic Planning and Enabling Section
Peterborough City Council
Stuart House - East Wing
St John's Street
Peterborough
PE1 5DD

3.3 When to Submit Bids

Bid applications must be received by 4pm on the last working day of each quarter year, in order that a panel can assess the Bid approximately three weeks later. The earlier a bid is received will maximise the opportunity to clarify any issues prior to the Panel meeting, and therefore if possible early submission ahead of the deadline are welcomed.

For the avoidance of doubt, it is entirely the responsibility of the Bidder to submit all material by the closing date. Partial or late applications will not be accepted or considered.

Bidders are strongly encouraged to discuss draft bids with the Housing Strategy Manager well in advance of the closing date. The Housing Strategy Manager will, to the best of his/her ability and

without prejudice to the outcome of the formal assessment process by the Panel, assist the Bidder in terms of:

- (a) advising whether the appropriate material appears to be complete for a valid application;
- (b) advising whether, in his/her opinion, any aspect of the Bid could be amended to enable improvements to the bid to be made (and thus improve the Bid's resultant 'score' – see Part 4)

For 2011/12, the Panel dates are as follows:

Deadline for receipt of bids	Panel meeting date
31 March 2011	20 April 2011 (provisional – TBC)
30 June 2011	20 July 2011 (provisional – TBC)
30 September 2011	19 October 2011 (provisional – TBC)
30 December 2011	18 January 2012 (provisional – TBC)

Exceptional Cases: In the event that an RP would like a bid to be considered outside of the programmed quarterly bid assessment dates, a request for an extraordinary assessment meeting can be submitted in writing to the Housing Strategy Manager, explaining why the bid requires urgent consideration. There is a presumption against such extraordinary meetings, but each case will be considered on its merits.

Part 4 – Assessment of Bids

4.1 The bid assessment criteria

The Council, in assessing all Bids, will undertake two stages of assessment (but will only do so after it is satisfied that the Bidder has provided all the appropriate material and met the requirements of 2.3 above).

Stage One - Economic Appraisal: Each Bid will be assessed against the Grimley’s Economic Appraisal toolkit. The outcome of the assessment will indicate whether the scheme is economically viable and whether the bid for funding represents value for money. Unless the scheme is determined to be economically viable and the grant level requested is demonstrated as necessary to the delivery of the scheme, it will not pass to Stage Two.

This approach enables us to assess each scheme on its merits without limiting our grant funding to specified rates per unit or per person.

If the appraisal tool demonstrates that the Bid does not demonstrate need or represent value for money, then the bid will be rejected. The Council may (but is not obliged) to set out reasons as to why it failed this test.

To assist in this Stage One, the Council reserves the right to appoint an independent expert to review the submitted Build Cost Plan. The bidder would be responsible for paying the associated costs (though the Council will seek approval from the bidder before incurring such expense; if approval is not given the bid will automatically fail).

Stage Two - If a scheme satisfies Stage One, it will then be evaluated against the criteria set out below.

Criteria	Details	Score (out of 10)*	Weighting	Total Score
Strategic Housing Objectives	The council wishes to ensure the delivery of mixed, balanced and sustainable communities that will meet housing need and contribute to the growth of Peterborough. When assessing bids we will examine how the scheme contributes to the ongoing affordable housing programme and meeting housing need in terms of the tenure, property type and size and scheme type. This information will be considered in the context of the existing affordable housing programme for Peterborough as well as intelligence relating to pipeline schemes. The council will use the latest Strategic Housing Market Assessment (SHMA) evidence and other council policy (such as planning policy and housing policy) to assist with this assessment.		X 4	
Deliverability	The deliverability of a scheme will be assessed in terms of whether planning permission has been granted, any potential site specific risks associated with the delivery of the scheme including confirmed ownership/interest in the land and the timescales for start on site and completion of the scheme. We will prioritise schemes where planning permission has been given and schemes that have a low risk		X 2	

	deliverability rating in terms potential barriers to development to the bidder's specified timescales. This information will be ascertained through questions asked in the grant application form.			
Quality	<p>Quality will be evaluated by using the Housing Quality Indicators system. HQIs are recognised and understood by RPs as part of the process for applying for HCA funding to assess the quality of housing schemes.</p> <p>The council requires that RPs submit completed HQI forms and a scoring spreadsheet based on the information provided for the HQI forms with each bid.</p> <p>Please note that, unlike HCA requirements in the past, there is no minimum set requirement bidders must reach in terms of issues raised in the HQIs, such as specific levels of the Code for Sustainable Homes, Lifetime Homes and/or Building for Life. However, in determining a score out of 10 for 'quality' under this criterion, an important consideration will be to what degree the scheme achieves those various standards. Minimal or low provision of such standards will result in a low score under this criterion.</p>		X 2	
Added Value / Cost / Value for Money	Each bid will be assessed to determine whether the grant awarded represents the good value use of the Council's funds. Whilst not being prescriptive in this regard, issues considered will be average grant requested per unit and per person (taking account the location of the scheme, the type of property provided and the needs of the people the property will cater for), any wider neighbourhood benefits being provided by the scheme as a whole and any other special circumstance which is not considered by the other scoring criteria above.		X2	
			Total	

**score out of 10, with 1 being low and 10 being high*

4.2 Assessment Process

Assessment Process Part 1:

The Affordable Housing Capital Funding panel will assess bids in accordance with the specified criteria in section 4.1.

The panel will be quorate when:

(a) a representative from each of the following council services participates in the assessment of each bid:

- Housing Strategy
- Legal Services
- Finance Services
- Planning Development Implementation

(b) plus at least one of the following participates:

- Planning Services
- Strategic Projects
- Planning Policy

The Panel will determine the application based on the following:

- If the Bid fails Stage One in 4.1 above, the Bid will automatically be recommended by the Panel for rejection.
- If the Bid fails to achieve a minimum of 5 out of 10* in all the Stage Two Criteria, the Bid will automatically be recommended by the Panel for rejection.
- If (a) and (b) are passed, a Bid which achieves at least 80* (out of the maximum 100) points will automatically be recommended by the Panel for approval. Bids less than 60* points will automatically be recommended by the Panel for rejection. Bids between 60-80* points will be at the discretion of the panel as to whether it recommends approval or rejection.*

***2011 Interim Position:** In the period between the adoption of this policy document (February 2011) and the adoption of the Peterborough Housing Strategy (scheduled for mid 2011), only exceptional bids will be approved. This is to ensure the limited resources are targeted effectively and, in the future, in line with that Housing Strategy. As such, in this interim period, part (b) of the above is amended so that it reads '6 out of 10' rather than '5 out of 10', and part (c) is amended so that 90 points are required for automatic panel recommendation for approval. Less than 70 points will result in automatic panel rejection, and 70-90 points will be at the discretion of the panel. This means that we are not putting an embargo on receiving bids, and awarding grants, in the interim period, but we are looking for exceptionally high quality bids which deserve to be approved early despite the Peterborough Housing Strategy not yet being agreed.

Assessment Part 2:

Panel Recommend Rejection: If the panel recommend rejection of a bid, the appropriate Director will be advised of the Panel's decision, together with brief reasons for the rejection. The Director has delegated authority by the Council to confirm to the Housing Strategy Manager one of the following:

- that he/she has no objections to the Panel's decision (in which case the decision to reject stands and is final);
- that he/she rejects the panel's decision, and asks for a formal CMDN to be prepared for approval of the Bid if required by the council's constitution.

Panel Recommend Approval: If the Panel recommend approval of a Bid, the appropriate Director will be advised of the Panel's decision, together with brief reasons for the approval. The Director has delegated authority by the Council to confirm to the Housing Strategy Manager one of the following:

- that he/she has no objections to the Panel's decision;
- that he/she rejects the panel's decision, and rejects the Bid (in which case, the Bid is rejected and does not proceed any further)

In either case, the Director will make his/her decision as soon as possible, with a target date of 10 working days following receipt of the Panel's decision.

Assessment Part 3:

If the Director approves the bid (in accordance with or contrary to the advice of the Panel), then where required by the council's constitution, the appropriate Cabinet Member will be advised of the Panel and Director's decision, together with brief reasons for the approval. The Cabinet Member will be asked to confirm approval of the bid via the council's Cabinet Member Decision Notice (CMDN) approval process. The Cabinet Member will then decide whether to formally approve the Bid.

For the avoidance of doubt, the final decision to approve a bid rests with either the Director or the appropriate Cabinet Member in accordance with the Council's constitution.

4.3 Confirming the Decision to the Bidder

The RP may contact the Housing Strategy Manager to seek clarification on the progress of the Bid.

The Housing Strategy Manager will notify the RP of the Cabinet Member's decision as soon as is reasonably practical, and will do so in writing (which could be by email).

The decision of the Council is final. There is no right of appeal. However, if a bid is rejected, a revised bid may be submitted and will be considered in accordance with this policy document (though, at the discretion of the Housing Strategy Manager, if it is obvious that a resubmitted bid does not significantly differ from an earlier rejected bid, then he/she can refuse to accept the resubmitted bid and it will not be considered further).

4.4 Successful Bids – Funding Agreements

Where a Bid has been awarded funding, the successful Bidder will be required to enter into a funding agreement with the Council. To assist Bidders, standard terms and conditions will usually apply though these may be amended/supplemented on a case by case basis - see appendix 2 for standard terms and conditions.

4.5 The financial arrangements for allocating funding

Payment of approved grants will be paid to RPs in accordance with a specific funding agreement for the successful scheme. This is likely to include staged payments (eg 50% of the total grant paid upon commencement of the scheme, with the remaining 50% paid upon practical completion). Other terms and conditions relating to the grant will be including in the funding agreement.

The Council will need to notify the RP of the bank account details required to facilitate direct payment into the RP's bank account on confirmation that the grant application has been approved.

Appendix 1 - Affordable Housing Capital Funds Application Form (v.1 .1.11)

Section 1 – Key Information	Scheme Details														
	Scheme Name														
	Address														
	Postcode														
	Applicant Details (RP)														
	Organisation														
	Address														
	Contact Name														
	Contact Telephone/email address														
	Application Details														
	Amount of grant sought from PCC														
	Total number of homes proposed														
	Number of affordable homes proposed														
	Expected start on site date														
Expected practical completion date															

Section 2 – Summary of unit information	Details of New Homes																			
	Social Rent					S/Ownership			Intermediate Rent			'Affordable Rent'			Other Tenures					
															Type:					
	Flats	1 bed				Flats	1 bed				Flats	1 bed				Flats	1 bed			
		2 bed					2 bed					2 bed					2 bed			
	B/lovs	1 bed				B/lovs	1 bed				B/lovs	1 bed				B/lovs	1 bed			
		2 bed					2 bed					2 bed					2 bed			
	Houses	1 bed				Houses	1 bed				Houses	1 bed				Houses	1 bed			
		2 bed					2 bed					2 bed					2 bed			
		3 bed					3 bed					3 bed					3 bed			
		4 bed					4 bed					4 bed					4 bed			
		5 bed					5 bed					5 bed					5 bed			
	<i>Other – State type and # of bedrooms</i>					<i>Other – State type and # of bedrooms</i>			<i>Other – State type and # of bedrooms</i>			<i>Other – State type and # of bedrooms</i>			<i>Other – State type and # of bedrooms</i>					
	Unit Type	Size	units			Unit Type	Size	units		Unit Type	Size	units		Unit Type	Size	units				

Section 3 – Detailed Development Information	Developer Partner Details (where applicable)					
	Developers Name					
	Address					
	Contact Name					
	Contact Telephone Number					
	Scheme Type (Please tick appropriate)					
	Acquisition and tenure conversion	<input type="checkbox"/>	New-build	<input type="checkbox"/>	Acquisition without works ('Off the shelf')	<input type="checkbox"/>
	Delivery Risk Rating (Please tick appropriate)					
	High	<input type="checkbox"/>	Medium	<input type="checkbox"/>	Low	<input type="checkbox"/>
	Please provide an explanation for your risk rating:					
	Planning Status (Please tick appropriate – more than one if relevant)					
	Not yet applied for	<input type="checkbox"/>	Pre-application stage	<input type="checkbox"/>	Outline planning consent submitted	<input type="checkbox"/>
Outline planning consent approved	<input type="checkbox"/>	Detailed planning consent submitted	<input type="checkbox"/>	Detailed planning consent approved	<input type="checkbox"/>	
Please provide any further relevant information regarding the scheme's planning status:						
Ownership/Interest in the land for the proposed scheme						
Please provide ownership/interest status in terms of the land for the scheme:						

Section 4 – Scheme cost info	Acquisition Costs			
	Acquisition Costs	£	Works Costs	£
	On Costs	£	Total Scheme Costs:	£
	Grant Calculations			
		Total	Grant per unit	Grant per person
	Social rented units	£	£	£
	Intermediate rent units	£	£	£
	New-build Home Buy units	£	£	£
	'Affordable rent' units	£	£	£
	Total	£	£	£

Section 4 continued	Other public subsidy			
	Recycled capital grant	£	HCA Grant	£
	Other grant	£		
	Please confirm which other funding sources have been considered and/or explored:			
Please confirm the current level of Recycled Capital Grant Fund within your organisation which is currently uncommitted			£	

Section 5 – Supporting Information	Please set out any special circumstances which are relevant to this project, including justification of high/low grant rates, added value, community benefits, scheme abnormalities:		
	The council wishes to ensure the delivery of mixed, balanced and sustainable communities that will meet housing need and contribute to the growth of Peterborough. Please set out how this scheme will contribute towards this objective:		
	Documents attached (Please tick appropriate)		
	Economic appraisal toolkit		HQI Form
Build Cost Plan		HQI scoring spreadsheet	

Please return completed form to: Housing Strategy Manager, Stuart House East Wing, St Johns Street, Peterborough PE1 5DD or housing.strategy@peterborough.gov.uk

Appendix 2 – Standard Terms and Conditions

Dated

2011

PETERBOROUGH CITY COUNCIL

and

[xxxx]

Deed for Grant on affordable housing site
at [xxxx]

This **DEED** is made on the day of 2011

BETWEEN

- (1) **PETERBOROUGH CITY COUNCIL** of the Town Hall, Bridge Street, Peterborough, PE1 1HG (the "**Council**"); and
- (2) [xxxx] a company registered in England with registration number [xxxx] and whose registered office is at [xxxx] (the "**Company**").

RECITALS

- A The Company has been selected by the Council to develop land at [xxx] with its partner (the "**Partner**") and intend to build [xxxx] at [xxx].
- C The Company has applied to the Council for funding to enable it to deliver the affordable housing with the Partner.
- D The Council has agreed to award the Grant to the Company on the terms set out in this Deed.

Operative provisions

1 Definitions and interpretations

1.1 In this Deed unless the context otherwise requires the following terms shall have the meaning given to them below:

"**Approval**" and "**Approved**" means the written consent of the Council;

"**Bank Account**" means the bank account nominated by the Company for receipt of the Grant the details of which are:

Bank name: []

Bank address: []

Bank account number: []

Bank sort code: [];

"**Business Day**" means a day (other than a Saturday or Sunday) on which banks are open for domestic business in the City of London;

"**Contracting Authority**" means any contracting authority as defined in Regulation 3 of the Public Contracts Regulations 2006 other than the Council;

"**Deed**" means this deed between the Council and the Company consisting of these clauses;

"**Development**" means the housing development at [xxxx];

"**Environmental Information Regulations**" means the Environmental Information Regulations 2004 and any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to them;

"Event of Default" means any of the events set out in Clause 6;

"First Award Date" means the date on which the Council transfers the First Grant to the Bank Account;

"First Grant" means the sum of [£xxxx] ([xxx]);

"FOIA" means the Freedom of Information Act 2000 and any subordinate legislation made under it from time to time together with any guidance and/or codes of practice issued by the Information Commissioner in relation to it;

"Force Majeure" means any event or occurrence which is outside the reasonable control of the Company and which is not attributable to any act or failure to take preventative action by the Company, including fire; flood; violent storm; pestilence; explosion; malicious damage; armed conflict; acts of terrorism; nuclear, biological or chemical warfare; or any other disaster, natural or man-made, but excluding any industrial action occurring within the Company's organisation;

"Fraud" means any offence under Laws creating offences in respect of fraudulent acts or at common law in respect of fraudulent acts in relation to the Deed or defrauding or attempting to defraud or conspiring to defraud the Crown;

"Grants" means the First Grant and the Second Grant;

"Information" has the meaning given under section 84 of the FOIA;

"Law" means any applicable Act of Parliament, sub-ordinate legislation within the meaning of section 21 (1) of the Interpretation Act 1978, exercise of the Royal Prerogative, enforceable community right within the meaning of section 2 of the European Communities Act 1972, bye-law, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements of any regulatory body of which the Company is bound to comply;

"Party" means a party to the Deed;

"Request for Information" shall have the meaning set out in the FOIA or any apparent request for information under the FOIA or the Environmental Information Regulations as relevant (where the meaning set out for the term "request" shall apply); and

"Second Award Date" means the date on which the Council transfers the Second Grant to the Bank Account;

"Second Grant" means the sum of £[1xxxx] ([xxxx]); and

"Units" means [xxx].

1.2 In the Deed except where the context otherwise requires:

1.2.1 words importing the singular meaning include where the context so admits the plural meaning and vice versa;

1.2.2 reference to a clause is a reference to the whole of that clause unless stated otherwise;

1.2.3 references to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to the statute, enactment, order, regulation or

instrument as amended by any subsequent enactment, modification, order, regulation or instrument as subsequently amended or re-enacted;

1.2.4 references to any person shall include natural persons and partnerships, firms and other incorporated bodies and all other legal persons of whatever kind and however constituted and their successors and permitted assignees or transferees;

1.2.5 the words "include", "includes" and "including" are to be construed as if they were immediately followed by the words "without limitation"; and

1.2.6 headings are included in the Deed for ease of reference only and shall not affect the interpretation or construction of the Deed.

2 Entire Deed

2.1 The Deed constitutes the entire Deed between the Parties relating to the subject matter of the Deed. The Deed supersedes all prior negotiations, representations and undertakings, whether written or oral, except that this Clause 2 shall not exclude liability in respect of any fraudulent misrepresentation.

2.2 If and only to the extent of any conflict between the body of the Deed and other documents referred to in the Deed, the conflict shall be resolved in accordance with the following order of precedence:

2.2.1 the body of the Deed; and

2.2.2 any other document referred to in the Deed.

2.3 The Deed may be executed in counterparts, each of which when executed and delivered shall constitute an original but all counterparts together shall constitute one and the same instrument.

3 Payment of the Grant

3.1 The Council shall pay the First Grant to the Bank Account in accordance with Clause 4 on the terms and subject to the conditions of this Deed.

4 Conditions Precedent

4.1 The Council shall pay the First Grant to the Company within 30 Business Days of completion of the following conditions:

4.1.1 delivery to the Council of the Deed duly executed by the Company;

4.1.2 the award of detailed planning permission for the Development;

4.1.3 the provision of evidence satisfactory to the Council of its contract with the Partner for the building of the Units; and

4.1.4 the commencement of building works for the Units at the Development.

4.2 The Council shall pay the Second Grant to the Company following the award of a practical completion certificate for all of the Units.

5 Repayment of the Grants

- 5.1 The Company acknowledges that the Council has awarded the Grants to the Company to enable the Units to be built.
- 5.2 The Company further acknowledges that the Council has awarded the Grants because it wishes to secure long term affordable housing in Peterborough.
- 5.3 Subject to Clause 7, if there is an Event of Default, the Council may at any time thereafter by notice in writing to the Company require repayment of a reasonable proportion of either the First Grant (if only the First Grant has been paid to the Company) or the Grants (if both the First Grant and the Second Grant have been paid to the Company) ("**Repayment**").
- 5.4 The "reasonable proportion" referred to in Clause 5.3 hereof is to be calculated based on the extent to which the objectives in Clauses 5.1 and 5.2 have not been materially achieved.
- 5.5 If there is an Event of Default and the Council requires Repayment, the Company shall reimburse the Council for all reasonable costs and expenses (including legal fees) incurred in or in connection with the Repayment or the enforcement of any of its rights under this Deed.
- 5.6 The Company shall make any payment due to the Council without any deduction whether by way of set-off, counterclaim, discount, abatement or otherwise unless the Company has a valid court order requiring an amount equal to such deduction to be paid by the Council to the Company.

6 Events of Default

- 6.1 Each of the following events shall constitute an Event of Default:
 - 6.1.1 the Company ceases the building of the Units;
 - 6.1.2 the Units are not built in accordance with the Council's specification;
 - 6.1.3 any representation or statement made by the Company in or pursuant to this Deed or in any notice or certificate, statement or other document delivered by it pursuant to this Deed or in connection with this Deed is or proves to have been incorrect or misleading in any material respect or there is any Fraud in relation to this Deed;
 - 6.1.4 the Company takes any corporate action or other steps are taken or legal proceedings are started for its winding-up, dissolution or reorganisation or for the appointment of a receiver, administrator, administrative receiver, trustee or similar officer of it or of any or all of its revenue and assets;
 - 6.1.5 the Company formally repudiates this Deed;
 - 6.1.6 any material adverse change occurs in relation to the Company or any other circumstances arise which means that the Company cannot perform or comply with its obligations under this Deed;
 - 6.1.7 the Company or anyone employed by the Company engages in conduct prohibited by Clauses 8.1 or 8.2;
 - 6.1.8 the Company takes any action whatsoever which it knows or ought to know will result in the Units no longer being available for occupation as affordable housing; or
 - 6.1.9 the Company does not acquire good legal title in the Units.

7 Modification of Repayment Terms

- 7.1 Repayment shall be reduced by 100% if the Events of Default set out in Clauses 6.1.4 and 6.1.6 occur after the fifth anniversary of the Second Award Date.

8 Prevention of Corruption

- 8.1 The Company shall not offer or give, or agree to give, to the Council or any other public body or any person employed by or on behalf of the Council or any public body any gift or consideration of any kind as an inducement or reward for doing, refraining from doing, or for having done or refrained from doing, any act in relation to the obtaining of the Grant or execution of the Deed or any other contract with the Council or any other public body, or for showing or refraining from showing favour or disfavour to any person in relation to the Grant, the Deed or any such contract.
- 8.2 The Company warrants that it has not paid commission or agreed to pay any commission to the Council or any other public body or any person employed by or on behalf of the Council or any other public body in connection with the Grant or the Deed.

9 The Contracts (Rights of Third Parties) Act 1999

- 9.1 No person who is not a Party to the Deed (including without limitation any employee, officer, agent or representative of either the Council or the Company) shall have any right to enforce any term of the Deed, which expressly or by implication, confers a benefit on him without the prior agreement in writing of both Parties, which agreement should specifically refer to this Clause 9. This Clause 9 does not affect any right or remedy of any person which exists or is available otherwise than pursuant to the Contracts (Rights of Third Parties) Act 1999 and does not apply to the Crown.

10 Fraud

- 10.1 The Company shall take all reasonable steps to prevent any Fraud by the Company (including its shareholders, members, directors) in connection with the award of the Grant. The Company shall notify the Council immediately if it has reason to suspect that any Fraud has occurred, is occurring or is likely to occur.
- 10.2 Notwithstanding the terms of Clause 7, if the Company commits any Fraud in relation to this Deed or any other agreement with the Crown (including the Council) the Council may at any time:
- 10.2.1 recover in full the Grant; and
- 10.2.2 recover in full from the Company any other loss sustained by the Council in consequence of any breach of this Clause 10.

11 Freedom of Information

- 11.1 The Company acknowledges that the Council is subject to the requirements of the FOIA and the Environmental Information Regulations and shall assist and cooperate with the Council to enable the Council to comply with these Information disclosure requirements.
- 11.2 The Company shall:
- 11.2.1 transfer to the Council all Requests for Information that it receives as soon as practicable after receipt and in any event within 2 Business Days of receiving a Request for Information;

- 11.2.2 provide the Council with a copy of all Information in its possession or power in the form that the Council requires within 5 Business Days (or such other period as the Council may specify) of the Council's request; and
 - 11.2.3 provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a Request for Information within the time for compliance set out in section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 11.3 The Council shall be responsible for determining at its absolute discretion and not withstanding any other provision in this Deed or any other agreement whether any Information is exempt from disclosure in accordance with the provisions of the FOIA or the Environmental Information Regulations.
- 11.4 In no event shall the Company respond directly to a Request for Information unless expressly authorised to do so by the Council.
- 11.5 The Company acknowledges that the Council may, acting in accordance with the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of the FOIA (the "**Code**"), be obliged under the FOIA or the Environmental Information Regulations to disclose information concerning the Company or the Services in certain circumstances:
- 11.5.1 without consulting the Company; or
 - 11.5.2 following consultation with the Company and having taken its views into account
- provided always that where Clause 11.5.1 applies the Council shall, in accordance with any recommendations of the Code, take reasonable steps, where appropriate, to give the Company advanced notice, or failing that, to draw the disclosure to the Company's attention after any such disclosure.
- 11.6 The Company shall ensure that all Information is retained for disclosure and shall permit the Council to inspect such records as requested from time to time.

12 Notices

- 12.1 Except as otherwise expressly provided within the Deed, no notice or other communication from one Party to the other shall have any validity under the Deed unless made in writing by or on behalf of the Party concerned.
- 12.2 Any notice or other communication which is to be given by either Party to the other shall be given by letter (sent by hand, post, registered post or by the recorded delivery service) or by electronic mail (confirmed by letter). Provided the relevant communication is not returned as undelivered, the notice or communication shall be deemed to have been given 2 Business Days after the day on which the letter was posted, or 4 hours, in the case of electronic mail or sooner where the other Party acknowledges receipt of such letters, facsimile transmission or item of electronic mail.
- 12.3 Either Party may change its address for service by serving a notice in accordance with this Clause 12.

13 Publicity, Media and Official Enquiries

- 13.1 Without prejudice to the Council's obligations under the FOIA, neither Party shall make any press announcements or publicise the Grant or the Deed or any part thereof in any way, except with the written consent of the other Party.

13.2 Both Parties shall take reasonable steps to ensure that their servants, employees, agents, professional advisors and consultants comply with the provisions of Clause 13.1.

14 Assignment

14.1 The Company shall not assign or in any other way dispose of the Deed or any part of it without prior Approval.

14.2 The Council may, upon giving reasonable notice to the Company, assign, novate or otherwise dispose of its rights and obligations under this Deed or any part thereof to:

14.2.1 any other body established by the Crown or under statute in order substantially to perform any of the functions that had previously been performed by the Council; or

14.2.2 any private sector body which substantially performs the functions of the Council provided that any such assignment, novation or other disposal shall not increase the burden of the Company's obligations or liabilities under this Deed.

14.3 Any change in the legal status of the Council such that it ceases to be a Contracting Authority shall not affect the validity of this Deed. In such circumstances, the Deed shall bind and inure to the benefit of any successor body to the Council.

15 Waiver

15.1 The failure of either Party to insist upon strict performance of any provision of the Deed or the failure of either Party to exercise any right or remedy shall not constitute a waiver of that right or remedy and shall not cause a diminution of the obligations established by the Deed.

15.2 No waiver shall be effective unless it is expressly stated to be a waiver and communicated to the other Party in writing in accordance with the provisions of Clause 12.

15.3 A waiver of any right or remedy arising from a breach of the Deed shall not constitute a waiver of any right or remedy arising from any other or subsequent breach of the Deed.

16 Severability

16.1 If any provision of the Deed is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Deed shall continue in full force and effect as if the Deed had been executed with the invalid, illegal or unenforceable provision eliminated.

17 Warranties and Representations

17.1 The Company warrants and represents that:

17.1.1 it has the full capacity and authority and all necessary consents to enter into and perform its obligations under the Deed;

17.1.2 in entering the Deed it has not committed any Fraud;

17.1.3 no claim is being asserted and no litigation, arbitration or administrative proceeding is presently in progress or, to the best of its knowledge and belief, pending and threatened against it or any of its assets which will or might have a material adverse effect on its ability to perform its obligations under this Deed;

- 17.1.4 it is not subject to any contractual obligation, compliance with which is likely to have a material adverse effect on its ability to perform its obligations under this Deed;
- 17.1.6 no proceedings or other steps have been taken and not discharged (nor, to the best of its knowledge, are threatened) for the winding up of the Company or for its dissolution or for the appointment of a receiver, administrative receiver, liquidator, manager, administrator or similar officer in relation to any of the Company's assets or revenue;
- 17.1.7 no member, employee, agent or consultant of the Company has any interest in [xxx] or the Development site;
- 17.1.8 in the 3 years prior to the date of this Deed:
 - 17.1.8.1 it has conducted all financial accounting and reporting activities in compliance in all material respects with all generally accepted accounting principles that apply to it;
 - 17.1.8.2 it has been in full compliance with all applicable securities and tax laws and regulations; and
 - 17.1.8.3 it has not done or omitted to do anything which could have a material adverse effect on its assets, financial condition or position as an ongoing business concern or its ability to fulfill its obligations under this Deed.

18 Force Majeure

- 18.1 The Company shall not be liable to the Council for any failure to perform its obligations under the Deed to the extent that such delay or failure is a result of a Force Majeure event. Notwithstanding the foregoing, the Company shall use all reasonable endeavours to continue to perform its obligations under this Deed for the duration of such Force Majeure event.
- 18.2 If the Company becomes aware of circumstances of Force Majeure which give rise to or which are likely to give rise to any such failure as described in Clause 18.1 it shall immediately notify the Council of the period for which it is estimated that such failure shall continue.

19 Dispute Resolution

- 19.1 If there is a dispute between the Parties, the Council or the Company shall issue a notice of the dispute to the other Party as soon as reasonably possible (a "**Dispute Notice**").
- 19.2 Upon receipt of a Dispute Notice the Parties shall use their best endeavours by means of prompt (no more than 4 weeks) bona fide discussions at a level appropriate to the dispute to resolve the dispute unless the Parties agree in writing that some other period is appropriate to resolve the dispute.
- 19.3 If the dispute is not resolved within 4 weeks or such other agreed period then either Party may refer the matter to arbitration by the Royal Institute of Chartered Surveyors ("**RICS**").
- 19.4 RICS shall be entitled to make such decision or award as it thinks just and equitable having regard to the circumstances then existing and the cost of such arbitration shall follow the event or if neither Party succeeds, the costs shall be apportioned between the Parties as the arbitrator in its absolute discretion deems fit.

19.5 Unless the Agreement has been determined by either Party or abandoned by the Company, the Company shall in every case continue to provide the Services in accordance with the Agreement.

20 Governing Law

20.1 This Deed shall be governed by and interpreted in accordance with English law and the Parties submit to the exclusive jurisdiction of the courts of England and Wales.

EXECUTED as a Deed by the parties hereto:

Executed as a Deed by)
Peterborough City Council)

Authorised Signatory

Name:
Position:

In the presence of a witness: -----

Name:

Occupation:

Executed as a Deed by
[xxxx] acting by a
Director and Company
Secretary/Director

Director

Company Secretary/Director

CABINET	AGENDA ITEM No. 8
7 FEBRUARY 2011	PUBLIC REPORT

Contact Officer:	Alex Daynes, Senior Governance Officer, Democratic Services	Tel. 01733 452447
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UPDATE - PETITIONS

RECOMMENDATIONS	
FROM : Directors	
1. That Cabinet notes the action taken in respect of petitions presented to full Council.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the presentation of petitions to full Council.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to update Cabinet on the progress being made in response to petitions in accordance with Standing Order 13 of the Council's Rules of Procedure.
- 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 improvements programmes to deliver excellent services'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. OUTCOME OF PETITIONS

4.1 **Petition objecting to a homeless hostel being moved into Church on the Rock at North Bretton:**

This petition was presented to full Council on 8 December 2010 by Councillor Nash.

The Neighbourhood Manager for North and West responded on 14 January 2011 stating that due to the expiring lease on the Manor House Street day centre venue, a search began for new premises approximately 18 months ago. Following comprehensive evaluations of potential new sites over this time, the Alpha Centre was identified by the Peterborough Streets team as the most suitable venue.

The response goes on to include the following issues that were considered when making the decision: Access to the Centre; Planning Consent (change of use not required); Alcohol and Drugs (forbidden at the day centre); Cross Keys Homes (has not indicated any opposition); and Heltwate school (possible impact on the pupils).

4.2 **Petition in support of the name change of Fletton Ward to Fletton and Woodston Ward**

This petition was presented to full Council on 8 December 2010 by Councillor Lee.

The council's Community Governance Manager responded on 7 January 2011 stating that details of the petition will be passed to the Local Government Boundary Commission for England (LGBCE) along with all other representations when it considers the proposal to change the name of Fletton ward to Fletton and Woodston ward.

If the LGBCE gives its consent to the name change, the decision on whether or not to change the ward name is due to be considered at a specially convened meeting of full Council at 6.30pm on Wednesday 23 February. Details of the petition will also be presented at this meeting along with all other representations.

4.3 **Petition in support of the name change of Fletton Ward to Fletton and Woodston Ward**

This petition was presented to full Council on 8 December 2010 by Councillor Serluca.

The council's Community Governance Manager responded on 7 January 2011 stating that details of the petition will be passed to the Local Government Boundary Commission for England (LGBCE) along with all other representations when it considers the proposal to change the name of Fletton ward to Fletton and Woodston ward.

If the LGBCE gives its consent to the name change, the decision on whether or not to change the ward name is due to be considered at a specially convened meeting of full Council at 6.30pm on Wednesday 23 February. Details of the petition will also be presented at this meeting along with all other representations.

4.4 **Petition for traffic calming measures around the Hempsted development**

This petition was presented to full Council on 8 December 2010 by Councillor Scott.

The council's Senior Engineer (Development) responded on 13 January 2011 and advised that the roads were still within the ownership of O&H Hampton, a speed survey would take place after April 2011 when it was anticipated that the roads would be placed on a maintenance period and any speed management measures would be implemented following this survey if necessary. The speed management measures would need to be in place before the road was officially adopted by the Council which was not expected to be until April 2012 at the earliest.

4.5 **Petition to get a parked car moved off the road at Wycliffe Grove**

This petition was presented to full Council on 8 December 2010 by Councillor Lane on behalf of Councillor John Fox.

The council's Strategic Regulatory Services Manager responded on 17 December 2010 advising that a Civil Enforcement Officer had visited the site but at that time the car in question was not there. A meeting has been arranged with Councillor Fox and relevant officers from the Police and Highways team to determine what action, if any, can be taken to address the concerns raised by residents.

4.6 **Petition against any further growth as proposed in the Site Allocations for Eye Village (Eye and Eye Green)**

This petition was presented to full Council on 8 December 2010 by Councillor Sanders.

The council's Planning Policy Manager responded on 6 January 2011 stating that at the meeting of full Council, the Site Allocations DPD was approved for consultation and submission to the secretary of state and included the sites outside the village envelope.

Cllr Sanders was further advised of the next steps in the approval process for the Site Allocations document so that he would know when and how he could continue his engagement with this process.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Standing Orders require that Council receive a report about the action taken on petitions. As the petitions presented in this report have been dealt with by Cabinet Members or officers it is appropriate that the action taken is reported to Cabinet, prior to it being included within the Executive's report to full Council.

6. ALTERNATIVE OPTIONS CONSIDERED

- 6.1 Any alternative options would require an amendment to the Council's Constitution to remove the requirement to report to Council.

7. LEGAL IMPLICATIONS

- 7.1 There are no legal implications.

8. BACKGROUND DOCUMENTS

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

- 8.1 Petitions presented to full Council and responses from officers.

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