

Public Document Pack



PETERBOROUGH CITY COUNCIL SUMMONS TO A MEETING

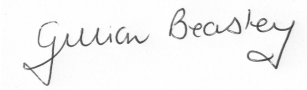
You are hereby summonsed to attend a meeting of the Peterborough City Council, which will be held in the Council Chamber, Town Hall, Peterborough on

WEDNESDAY 10 DECEMBER 2008 at 7.00 pm

AGENDA

| | Page No. |
|---|----------------|
| 1. Apologies for Absence | |
| 2. Declarations of Interest | |
| 3. Minutes of Council meeting held on 8 October 2008 | 1 - 16 |
| 4. Mayor's Announcements | 17 - 20 |
| 5. Questions asked with written notice | |
| (i) by members of the public to cabinet members, the Leader of the Council and chairmen of scrutiny and overview committees; | |
| (ii) by Members to cabinet members, the Leader of the Council and chairmen of scrutiny and overview committees; | |
| (iii) by Members to representatives of the Police and Fire Authorities; | |
| (iv) by Members, to cabinet members or committee chairmen, about issues relevant to their ward. | |
| 6. Petitions: to receive any petitions submitted by Members or residents. | |
| 7. Executive decisions made since the last Council meeting | 21 - 30 |
| 8. Executive Recommendation: | 31 - 42 |
| S106 Planning Obligations Implementation Scheme | |
| 9. Committee Recommendations: | |
| None. | |
| 10. Notices of Motion | 43 - 44 |
| 11. Reports and Recommendations of the Proper Officer and any Other Business: | |
| (i) Review of the Constitution | 45 - 68 |

- | | | |
|-------|---|----------------|
| (ii) | Appointment of Vice Chair - Scrutiny Committee | 69 - 70 |
| (iii) | Hampton Vale and Hampton Hargate Community Governance Review | 71 - 78 |



Chief Executive

2 December 2008
Town Hall
Bridge Street
Peterborough



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Carol Tilley on 01733 452344.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

PETERBOROUGH CITY COUNCIL

MINUTES OF COUNCIL MEETING HELD ON 8 OCTOBER 2008

The Mayor – Councillor Pat Nash

Present: Councillors Ash, Benton, C Burton, Cereste, Collins, Croft, Dalton, C Day, D Day, S Day, Dobbs, Elsey, Fazal, Fitzgerald, Fletcher, Fower, JA Fox, JR Fox, Gilbert, Goldspink, Goodwin, Harrington, Hiller, Holdich, Hussain, Khan, Kreling, Lamb, Lane, Lee, Lowndes, Miners, Morley, Murphy, Nawaz, Newton, North, Over, Peach, Rush, Saltmarsh, Sanders, Sandford, Scott, Seaton, Sharp, Smith, Swift, Thacker, Todd, Trueman, Walsh, Wilkinson and Winslade.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allen and M Burton.

2. DECLARATIONS OF INTERESTS

Item 10 Councillor John Fox declared a personal interest as a member of the 'Friends of Cuckoo's Hollow'.

3. MINUTES

The minutes of the Council meeting held on 16 July 2008 were approved as an accurate record.

4. MAYOR'S ANNOUNCEMENTS

4.1 The Mayor's engagements for the period 4 July to 28 September 2008 were noted.

5. QUESTIONS ASKED WITH WRITTEN NOTICE

5.1 A question was asked by a member of the public with regard to the lack of any traffic calming measures at the corner of Paston Lane and Mildmay Road.

5.2 Questions were asked of Cabinet Members and the Leader of the Council in respect of the following:

- Numbers of pupils, having been unable to obtain a place at a school of their choice, being transported from the north to the south of the city;
- The likely impact of the credit crunch and the decline in the property market on the Council's Capital Programme;
- The reasons for the Primary Care Trust (PCT) changing its name to 'Peterborough NHS' and the associated cost of the change;
- Factual errors in relation to the exhibition at the Museum entitled 'Opening Doors to Hidden Heritage';
- The likelihood of the current rate of Council Tax (1.4%) being sustained during the next three years;
- Delays in respect of road improvements at the junction of Newborough Road and the A47;

At this point during the meeting the time limit for questions expired and Members were informed that written responses would be sent in respect of outstanding questions.

5.3 Members asked questions of Cabinet Members and Committee Chairmen about issues relating to their wards as follows:

- Levels of air pollution from Stamford Sewage Works affecting residents living in and around the village of Barnack;
- Demolition and redevelopment of the former John Mansfield School site;
- Allocation of funds to Cuckoo's Hollow, Werrington;
- Action to prevent speeding vehicles along the old Lincoln Road, Werrington.

A summary of all questions and answers is attached at **APPENDIX A**.

6. PETITIONS

The following petitions were presented to Council:

- (i) Request for removal of traffic islands being installed at Waterloo Road;
- (ii) Request for 'Extreme Sports' recreational centre;
- (iii) Request for guarantee of a post office in the city centre;
- (iv) Objection to Eurocars parking vehicles in Fairfield Road.

7. EXECUTIVE DECISIONS

Council received and noted a report summarising:

- (i) Decisions made by Cabinet at its meeting of 15 September 2008;
- (ii) The Council's response to petitions presented to Council on 16 July 2008;
- (iii) The Council's 'call in' procedure (which had not been invoked since the last Council meeting);
- (iv) The Council's Special Urgency and Waive of Call-in Provisions (which had not been invoked since the last Council meeting);
- (v) Cabinet Member decisions made during the period 2 July 2008 to 8 September 2008.

The Mayor informed Members of an amendment to the decision outlined on page 28 of this report relating to the appointment of LEA Governors. Members were asked to note that this decision had been taken by the Leader of the Council and **not** Councillor Goldspink, as stated.

Questions were asked about the following decisions:

- **Medium Term Financial Plan 2009/10 to 2011/12:**

Councillor Sandford asked whether the Leader would agree that the most effective policy in respect of Council Tax would be to support its abolition.

In response, the Leader of the Council stated that to abolish the Council Tax would not be an effective course of action.

- **Budget Monitoring Report – Period 4 2008/9**

Councillor Holdich asked if the Leader would comment upon the under-funding of schemes such as concessionary transport fares and the resulting overspend within the Environment Services department and requested assurance that this would not impact upon other service areas across the Council.

The Leader replied that government funding for initiatives such as the concessionary fares scheme rarely matched the actual cost. However, he was working with the relevant Cabinet Member and Finance officers to identify ways of resolving the problem of underfunding in respect of the concessionary fares scheme.

- **Charteris Play Centre**

Councillor Miners requested clarification on the future of the Charteris Play Centre.

In response, Councillor Goldspink emphasised that a review was underway in respect of all play services across the authority and that this was currently at the consultation stage. He emphasised that no decisions had been made at this stage.

- **Award of Street Lighting Maintenance Contract 2008/2012**

Councillor Fower asked whether there was a fixed period of time in which faulty street lights should be repaired.

Councillor Scott advised that this particular decision related to the award of a contract. However, she would arrange for Councillor Fower's query to be investigated and a response would be sent to him in due course.

- **Delivering Sustainable Development – Southbank Phase 1 Carbon Challenge Site**

Councillor Sandford stated that whilst he supported the principle of the carbon challenge site, in view of the city's aspiration to be the Environment Capital, the Council should be working towards ensuring that all homes were carbon-zero.

Councillor Goldspink replied that the Council had made a good start and was ahead of many other cities in this regard. Work was being undertaken to encourage existing householders to make improvements, including the provision of grants.

- **Request for approval to use the Midlands Works Framework Contract 3 (2008/2010)**

Councillor Trueman asked if road users were likely to experience problems this year in the period leading up to Christmas due to road improvement works.

Councillor Scott advised that this decision related to the award of a contract. Councillor Fitzgerald added that whilst everything possible would be done to reduce inconvenience to road users, road improvements were necessary and an inevitable part of growth.

8. EXECUTIVE RECOMMENDATIONS

8.1 Streets, Squares and Spaces Strategy

Cabinet, at its meeting of 15 September 2008, had considered the Street, Squares and Spaces Strategy and endorsed its submission to Council. Councillor Murphy moved the recommendation for adoption of the Strategy and this was seconded by Councillor Peach.

It was **RESOLVED:**

- (i) to approve the Streets, Squares and Spaces Strategy as the Authority's overall strategy for improvements to the public realm of Peterborough City Centre; and
- (ii) to agree that the Streets, Squares and Spaces Strategy form part of the Council's Major Policy Framework.

8.2 Refreshed Cambridgeshire and Peterborough Joint Municipal Waste Management Strategy (JMWMS)

At its meeting of 15 September 2008, Cabinet had considered the Refreshed Cambridgeshire and Peterborough Joint Municipal Waste Management Strategy (JMWMS) and endorsed its submission to Council for adoption. Councillor Fitzgerald moved the recommendation and this was seconded by Councillor Peach.

Councillor Ash expressed concern that the Strategy did not contain sufficient emphasis on proposals to reduce black bin waste.

Councillor Sandford concurred with this view and drew Members' attention to a local authority in Cambridgeshire which had awarded a contract for the pre-treatment of residual waste using a mechanical biological treatment facility which allows an increased proportion of recycling materials to be extracted before the waste is processed. Councillor Sandford suggested that this approach would be an alternative option for Peterborough.

In response, Councillor Fitzgerald informed Members that this option had been considered. However, this approach was not a preferred option for Peterborough and the JMWMS would achieve a 30% reduction in volume. Recycling was high in Peterborough due to policies the City Council had implemented and it was the intention to sustain this. He emphasised that the Strategy was a working document which would be revised to reflect new legislation/changes as appropriate.

A vote was held in respect of the adoption of the refreshed JMWMS and the results were as follows:

48 in favour; 4 against and 2 abstentions.

It was **RESOLVED**:

- (i) to adopt the refreshed Cambridgeshire and Peterborough Joint Municipal Waste Management Strategy.

9. COMMITTEE RECOMMENDATIONS

There were no recommendations from committees.

10. NOTICES OF MOTION

The Mayor asked those present to note that an amendment had been made to the motion to be submitted by Councillor Lane. The word 'instructs' at paragraph 3 of the motion should be replaced by the word 'requests'.

10.1 Councillor Lane moved the following motion:

That this Council:

1. records its concern that gas and electricity bills for domestic consumers have risen significantly this year with potentially serious consequences for a great number of households, especially the fuel poor;
2. acknowledges the Government's £910 million energy efficiency drive to assist domestic consumers to reduce their fuel costs, but recognises that the initiative provides a medium to long term solution and does not serve to ensure that vulnerable households will receive the immediate help that they desperately need; and

3. instructs its officers to consider, as a matter of urgency, how financial aid can be made available by the most appropriate method to vulnerable households.

The motion was seconded by Councillor Swift.

Following debate, a vote was taken and the motion was DEFEATED by 14 votes for, 40 against and 1 abstention.

10.2 Councillor Lamb moved the following motion:

That this Council:

1. acknowledges the significant barriers to independent mobility experienced by blind people leaving them isolated and finding it difficult to access services without mobility assistance;
2. recognises that many visually impaired people are supported by the Primary Care Trust in Peterborough, as well as several local voluntary and community organisations;
3. notes that blind people are not entitled to the higher mobility component of Disability Living Allowance (DLA), and therefore;
4. requests the Leader of the Council to write to the Secretary of State for Work and Pensions in support of the Royal National Institute of the Blind (RNIB) campaign to secure the higher rate mobility component of DLA for blind people.

The motion was seconded by Councillor Goodwin and **CARRIED** unanimously.

10.3 Councillor Sandford moved the following motion:

That this Council notes:

1. that Peterborough City Council has signed the Nottingham Declaration on climate change and developed a Climate Change Strategy;
2. two key aspects of the strategy are that the City Council should seek to achieve significant reductions in carbon emissions in all its activities and set an example to the people and communities of Peterborough;
3. it is good for everyone, including Council staff to drink adequate amounts of water so as to promote health and well-being, but there is no significant evidence that bottled water is any healthier than that which is supplied through a tap by Anglian Water;
4. sourcing, packaging, transport and the sale of bottled water is highly carbon intensive, often involving moving it over hundreds of miles and the use of disposable plastic bottles; and
5. Peterborough aspires to become the Environment Capital of the UK and hence, needs to behave in an exemplary way in all aspects of environmental performance;

Therefore, the Council requests the Cabinet to:

1. ensure that as many Council staff as possible have access to water coolers in or near their offices, thus providing them with a good supply of tap water at a pleasant and refreshing temperature for drinking;
2. instructs its officers to cease providing bottled water at any meeting, conference or other event organised by the Council or taking place on Council premises; and

3. where appropriate, promote this as the policy of the Council and seek to influence other local organisations to follow the Council's example.

The motion was seconded by Councillor Fower.

Councillor Fitzgerald moved an amendment to the motion as follows:

That the final three paragraphs of the original Motion be deleted and replaced by the following:

'Therefore the Council requests the Cabinet to:

1. Investigate the costs and the subsequent possibility of installing mains fed water coolers within council offices, having regard to any current legislation that covers water dispensers that may be in force and be bound by the implications and outcomes of any health and safety concerns or issues that may arise;
2. Ensure that where it is technically and practicable to do so that as many Council staff and members have access to mains fed water coolers - if matters at item 1 have been totally satisfied. Further that the cost of providing water coolers in specific locations does not substantially outweigh the cost of providing alternate sources of fresh drinking water, tap or bottled, then the option of installing a mains fed water cooler should be considered first;
3. Where appropriate, promote this as a preferred option of the Council and seek to influence other organisations to follow the Council's example'.

The amendment was seconded by Councillor Scott.

Following debate on the amendment, a vote was taken and the proposed amendment was **CARRIED** by 47 for, 0 against and 4 abstention.

10.4 Councillor Sharp moved the following motion:

That this Council:

1. recognises the magnificent achievements of Louis Smith, other Olympians and Para-Olympians from our area at the Olympic Games in Beijing;
2. notes that whilst top athletes attract significant support from lottery funding and other funding streams, others must rely on the provision of facilities locally and such facilities have been removed over the years;
3. states its commitment to providing sporting opportunities for young people within the city to enable them to emulate the successes of our Olympians; and
4. requests that an all-party group be established to investigate ways of funding training facilities to support our budding stars of the future and that the group reports back on its proposals within a period of eighteen months.

The Mayor advised that Councillor Lee had proposed an amendment to this motion and that this had been agreed by Councillor Sharp. Therefore, should the Council agree to the amended motion, the substantive motion would read as follows:

That the Council:

1. recognises the magnificent achievements of Louis Smith, other Olympians and Para-Olympians at the Olympic Games in Beijing;

2. thanks the Mayor for organising and hosting a reception at the Town Hall for Louis Smith, which provided an opportunity for the City to acknowledge and celebrate this outstanding success;
3. notes that whilst top athletes attract significant support from lottery funding and other funding streams, others must rely on the provision of local finance and facilities;
4. notes that there has been some reduction in local sporting provision in the private sector with the closure of facilities like Perkins Sports and Social Club, Hotpoint Sports and Social Club, Molins Sports and Social Club, Phorpress Sports and Social Club and Baker Perkins Sports ground. To balance these losses, it should be noted that there has been a significant number of gains in recent years, including growth in private sector including Bannatynes, Fitness First and Esporta;
5. notes funding secured by the Council from the Lottery New Opportunities Fund saw over £1million pounds invested in developing Stanground College Sports facilities, Orton Longueville School – All Weather Tennis Courts, Arthur Mellows Village College – Gym and dance/aerobic studio and Jack Hunt School – Gymnastics Centre;
6. notes our current medium term financial plan sees the sum of £1.24 million over the next 3 years being spent on refurbishing existing facilities at Sports Centres and Swimming pools;
7. states its commitment to providing sporting opportunities for young people within the City to enable them to emulate the successes of our Olympians; and
8. notes that the Community Development Scrutiny panel has been asked to nominate members to sit on a small working group to develop a pricing strategy for sports services. This group will consider, as part of its remit, our pricing policy for the use of our facilities by young gifted and talented athletes.

The motion was **CARRIED** unanimously.

11. REPORTS AND RECOMMENDATIONS OF THE PROPER OFFICER AND ANY OTHER BUSINESS

11.1 Constitutional Changes

The Standards Committee had updated its terms of reference in accordance with the Standards Committee (England) Regulations 2008 to delegate its responsibilities to sub committees.

RESOLVED: to approve updating of the Constitution with the revised terms of reference for Standards Committee.

The Mayor
19.00 – 21.13

QUESTIONS AND ANSWERS FROM COUNCIL MEETING OF 8 OCTOBER 2008

The following questions have been received:

1. Questions by Members of the Public to Cabinet Members, the Leader of the Council and Chairmen of Scrutiny Committee/Panels

(i) Miss W Forman asked the Cabinet Member for the Environment:

'Why has the issue of there being no traffic calming measures at the corner of Paston Lane and Mildmay Road not been pursued further since raised by Councillor Sandford (a number of times) over the past ten years? As a family, along with our neighbours, we feel greatly let down by PCC and would like to know what it now intends to do on this matter. I would like it noted that over this time-span we have had three cars written off, have had our cars damaged, and have had vehicles come through the fence into our front garden. On one occasion, a motorbike mounted the pavement, narrowly missing my partner and daughter. Each time these incidents have been reported but nothing has been done'.

Councillor Fitzgerald answered:

'An investigation was undertaken back in 2006 and the site in question was assessed in accordance with the Speed Management Strategy but failed to score highly. It is therefore not a priority site for treatment and is unlikely to justify engineering intervention for the foreseeable future. Given the issues raised, I will request that our Traffic Officer raises the issue of enforcement at his next Police Liaison Meeting which I believe would be the most appropriate means to address the issue'.

2. Questions by Members to the Leader of the Council, Cabinet Members and Chairmen of Scrutiny Committee / Panels

(i) Councillor Saltmarsh asked the Cabinet Member for Education and Children's Services:

'Secondary Schools in the north of the city were oversubscribed for the year 7 intake for September 2008 and some pupils were not able to obtain a place at any of their schools of choice. Can you please advise me how many children from the north of the city are being transported to schools in the south and how much is this costing the Council's education department?'

Councillor Goldspink answered:

'I am grateful to Councillor Saltmarsh for raising this question, however this request involves the following activities:

- Deciding on the methodology and data that needs to be collected and presented;
- Gathering GIS information on distances and preferences for **individual** pupils;
- Acquiring information from the Integrated Passenger Transport Team regarding route costs and unit cost of all pupil journeys;
- Tracking individual pupil's theoretical catchment areas and matching these to the schools they attend.

This work cannot be done within three or four working days, but it will be done with the next four working weeks. I will be very happy to present the results of this work to the Children and Lifelong Learning Scrutiny Panel and any subsequent Council meeting.

This request involves a huge amount of work. I would be interested to know why Councillor Saltmarsh wants this information, what benefit she thinks the city will derive from obtaining it and whether it is so important that I have to withdraw staff from providing essential services and dealing with the very real challenges that we face to ensure children this year reach their full potential. I will be asking my staff to tell me exactly how many hours it takes and what tasks are delayed or foregone as a result of producing it'.

Councillor Saltmarsh asked a supplementary question as follows:

'Are all secondary schools at maximum intake for 2008 as I believe there may be places available at Jack Hunt and the Academy?'

Councillor Goldspink responded:

'There are no spaces at the Academy. However, the Council believes there are places at Jack Hunt but the school disagrees and this matter is due to be put before the adjudicator, as it is affecting other schools across Peterborough'.

(ii) Councillor Sandford asked the Leader of the Council:

'Will the Leader of the Council make a statement on the likely impact of the credit crunch and the decline in the property market on the Council's Capital Programme? The Capital Programme over the next three years includes a number of major educational projects and some rather large new waste management facilities, including the Council's proposed waste incinerator. The Programme was to be financed partly by a large programme of asset disposals, the full proceeds of which are now unlikely to be realised due to the deteriorating economic situation. Will the Leader, as a matter of urgency, review the Capital Programme, both its content and how it is to be financed, and will he ensure that the results of this review are reported both to Council and to the Scrutiny Committee?'

The Leader of the Council answered:

'Peterborough is like any area within the Country and is feeling the impact of the 'Credit Crunch'. Land values are falling and this of course will have an impact on the Capital Receipts that were anticipated to support Council objectives. It should be noted that not all of the Capital Programme was funded by Capital receipts - a proportion will be funded through borrowing.

Having said the above we have already recognised the challenge that the 'Credit Crunch' poses. Work has already started across the Council to identify the actions that we will take to ensure that we are able to meet our key objectives whilst remaining within the strict financial constraints that we have set ourselves in the Medium Term Financial Strategy. We anticipate this piece of work being completed this autumn.

Councillor Sandford asked a supplementary question as follows:

'Is the Leader aware that he appears to be saying that the Council can borrow if there is a shortfall in Capital Receipts? The borrowing requirement in 2010 will already be almost £15 million – what would be the impact of continuing to finance?'

The Leader of the Council responded:

Any Changes to the Capital Programme and thereby the funding regime will be included in the Medium Term Financial Strategy which will be reported to Council and also considered by the Scrutiny Committee'.

(iii) Councillor Murphy asked the Cabinet Member for Health and Adult Social Care Services:

'In 2005, the Primary Care Trust (PCT) was known as the GPPCT and soon afterwards, when Peterborough won unitary status over our Health Authority, it became the PPCT. Due to the significant change in name there was a clear need to change stationery, letterheads, business cards and so on. I understand that the PCT is now known as Peterborough NHS. Could the Cabinet Member for Health and Adult Social Care Services justify why this name change was brought about without any consultation locally, considering this Council provides a lot of money to the PCT, and secondly, could she also advise what was the cost of this change, as I understand a percentage of this would have been picked up by the local authority. Finally, is she able to justify this cost and change to local taxpayers?'

Councillor Lamb answered:

'From July 2008 Peterborough Primary Care Trust took on a new identity – 'NHS Peterborough'.

This change is part of a nationwide move to create a clearer identity for the role that PCTs play – so that stakeholders, local populations, NHS staff and others can better understand their function as the front line for the NHS and the local leader of the NHS. The main problem PCTs faced is that the public had no understanding of what a PCT is or what it does. Even the words primary care trust no longer describe what the organisation does. This makes it harder for the PCT to engage with stakeholders and for stakeholders to hold the PCT to account. 'NHS Peterborough' makes it clearer that it is the lead organisation and is accountable to its stakeholders, i.e. those taxpayers who ultimately fund the services.

Costs are being kept to a minimum. Signage at key sites has been replaced at a cost of £983 and this has been funded from NHS monies not from Local Authority monies. The money provided to NHS Peterborough by Peterborough City Council as part of the Section 75 Agreement is for specific purposes around the provision and commissioning of adult social care services. All other signs and leaflets will not be rebadged as NHS Peterborough until they become due for updating or reordering.

The NHS Peterborough Board approved the rebranding for the reasons I have outlined. Consultation was not necessary given the decision was solely a name change with no service implications and minimal cost as I have described. A press release and a letter to partners announced the change and explained the reasons'.

(iv) Councillor Judy Fox asked the Cabinet Member for Community Services:

'The Peterborough Heritage display in the Museum depicts various buildings that are part of Peterborough's heritage. I believe an external consultant or researchers were engaged to undertake the research for the display and I have noticed that there are errors in some of the content. Are we employing external consultants or researchers to do a job that could have been done more effectively by someone locally?'

Councillor Lee answered:

'The Art Gallery in the Museum is currently running an exhibition entitled 'Opening Doors to Hidden Heritage', which is a photographic display of local sites and historic buildings in and around Peterborough.

Factual errors have been identified in the display material and immediate steps have been taken to put this to rights: Firstly, a notice has been posted alongside the exhibition introductory panel apologising for the errors and informing visitors of the correct details. Secondly, in the light of this production error we have added further quality assurance measures to our exhibition planning process to ensure that all content displayed is in future double checked.

External consultants were not used on this project. In this instance the exhibition was an externally funded project requiring delivery over a short period and to a constrained timescale. The project was undertaken by staff employed by the Council as researchers on short term contracts who have since left, along with freelance researchers/photographers where necessary. These researchers consulted local historical records, heritage professionals and experts in the field in compiling the exhibition content, but regrettably errors were produced.

The result is that the Opening Doors exhibition, whilst for the most part is a fine and informative exhibition, does not meet the usually high and exacting standards of the Art and Museum programme. This is the sort of situation that we strive to avoid and I can assure you that steps were taken at the earliest opportunity to address this uncharacteristic lapse in standards, lessons have been learned and you can be assured of a high quality exhibitions programme going forward.

I would like to take this opportunity to thank Councillor Judy Fox for her interest and continuing support of the Museum'.

(v) Councillor John Fox asked the Leader:

'During the financial instability that is taking place worldwide, can the Leader of the Council please reassure the taxpayers of Peterborough that he will not renege on his promise of keeping the Council Tax down to 1.4% for the next three years, and can he also reassure me that this promise will be honoured by any future Leader over the next three years?'

The Leader of the Council answered:

'A very difficult question. Our aim is to keep to a 1.4% rise in Council Tax for each of the next three years – that is our target. We will have regard to all financing issues as part of the development of the medium term financial strategy and take the advice of the Chief Finance Officer in preparing the budget submission to Council. The second part of the question is not for me to answer'.

Councillor Fox asked a supplementary question as follows:

'I am concerned about the impact on employment'.

The Leader of the Council responded:

'The Council's Business Transformation Programme is investing in services and IT to ensure our service is better and more efficient, over the long term. This may mean that less people work for the Council, whether they will be made redundant or we will lose people through natural wastage remains to be seen.

(vi) Councillor John Fox will ask the Cabinet Member for the Environment:

'Can the Cabinet Member for the Environment ascertain why it is taking so long to do the road improvements of the new A1073 by-pass at the junction with Newborough Road and the A47. The work on this junction seems to have come to a bit of a standstill and is causing a vast amount of inconvenience to the residents of Newborough who use this road as their main thoroughfare in to the city'.

Councillor Fitzgerald answered:

'The A1073 Eye to Spalding improvement scheme is one of the largest local authority highway schemes under construction in the country. The scheme is due to open to traffic in autumn 2010. The A47 section of the A1073 scheme has been subject to some delays. The Highways Agency has taken considerably longer to give full approval for the A47 Trunk Road section than was originally envisaged and this has affected progress at this end of the overall

scheme. Approval for protection works to an existing gas main crossing the proposed roundabout location at Welland Road is also causing concurrent delays. Construction of the earthworks has progressed on the west bound carriageway of the new dual carriageway section of the A47 and this area is undergoing the specified settlement period prior to roadworks construction recommencing. While these issues are resulting in delays to the A47 works, it is intended that these works will be completed within the 72 week scheme construction period’.

Councillor John Fox asked a supplementary question as follows:

‘Has the Cabinet Member visited the site in question? Work has come to a standstill and people are having to travel through Eye in order to get into the city’.

Councillor Fitzgerald responded:

‘Work is progressing in other areas further along this stretch of road which is part of the same road improvement scheme. A period of settlement is also necessary. The intention remains that the work will be completed within the original 72 week period’.

The following questions within this category were not addressed during the meeting as to have dealt with them would have resulted in exceeding the time allowed under the Council’s Standing Orders (Rules of Procedure). It was advised that written responses would therefore be forwarded to the relevant Members.

(vii) Councillor Lane would have asked the Leader of the Council:

‘I was heartened to hear the Shadow Secretary of State for Communities and Local Government speaking in Birmingham on 1 October announcing that under a Conservative Government, weekly bin collections will be back and recycling will go up. I was equally heartened to see the Leader of Peterborough City Council in the audience applauding the speaker. Does his reaction give encouragement to Peterborough that its ‘lesser spotted wheelie bin’ now faces extinction?’

The Leader of the Council would have answered:

‘I am delighted to hear that Councillor Lane seeks the highest quality daytime viewing and despite all his efforts to appear as an Independent, is quite clearly a closet Tory who enjoys all of our values apart from the party whip.

Councillor Lane’s question is one that perplexed me. I was unaware that there were some sub-species of wheelie-bin resident in the Werrington area as opposed to the normal black, green and brown varieties, although as an area blessed with the Great Crested Newt I should not be surprised at any aspect of the city’s bio-diversity and I would hope that all species could continue to flourish.

If however, Councillor Lane is trying to ask will, under a Conservative Government, the Council return to a weekly collection programme, then I am sure that once there is a change in Westminster for the better I feel certain that the new Prime Minister will live up to his promises and increase the Council’s resources. This could allow us to introduce weekly collection of waste, albeit we may have to consider the size of receptacle used to ensure that our residents continue to assist us in delivering our target of 65% of waste recycled.

This Council is committed to environmental excellence and will take every opportunity to reinforce its position as Environment Capital and I am delighted that Councillor Lane recognises that the way to do this is to vote Conservative.’

(viii) Councillor Fower would have asked the Leader of the Council:

‘How much money has Peterborough City Council spent on the employment and use of consultants (including external) to undertake/support or initiate work that comes under the

remit of the City Council, for each of the last three years and who decides on which companies should be used?’

The Leader of the Council would have answered:

‘The answer to this question is currently being researched and a written response will be supplied once the information is available’.

(ix) Councillor Fower would have asked the Cabinet Member for the Environment:

‘Peterborough cannot meet its landfill targets through recycling alone’ - (source:PCC). ‘ Aside from the introduction of the three bin scheme, which was originally a policy of the Peterborough Liberal Democrats, what contemporary or unique initiatives have Peterborough City Council introduced in the last five years to help reduce waste in this city?’

Councillor Fitzgerald would have answered

‘The answer to this question is very lengthy. I would therefore refer Councillor Fower to my written response to this question, sent earlier this week and all Members have a copy of this document before them this evening’.

(x) Councillor Harrington would have asked the Leader of the Council:

‘I refer to the recently enforced closure of Café Limon which had allegedly accumulated rent arrears of £85K and an undisclosed amount of business rates. Can the Leader explain how this was allowed to happen, what steps are being taken to recover the debt, and how this Council will ensure that in future, other tenants of this authority are not allowed to accrue such debts before appropriate action is taken?’

The Leader would have answered:

I think that the first point to be made is that we as a Council take no pleasure in closing a business down. It is not to our benefit when a business closes as it will leave a void that will be difficult to fill in the current economic climate and leave the Council with financial liabilities. Given this, we actively manage our tenants and seek to agree repayment plans that will allow them to pay their arrears whilst remaining in business. This proactive approach ensures that the closure of a business because of outstanding debts is the last resort. Many businesses survive because of the approach we take and the benefits far outweigh the costs. We quite simply give businesses the opportunity to recover a situation. This of course leads to benefits to the local economy, including employment, services for people, etc.

I will now move on to Limon in particular. We became aware of some of the problems some eighteen months ago. We entered into dialogue with the tenant and indeed payments were received. There is a detailed history of proactive engagement with the tenant, which it is not appropriate to disclose in this public forum. There came a point when we reluctantly decided to take legal action to terminate the lease. There then followed a lengthy court process leading to us closing the premises down on the 17 September.

We are now in the process of legal redress to recover the outstanding sums, again of course, I cannot give details, other than to say we will do all we can to recover the outstanding amount. It is of little amusement to any of us that a key unit on Bridge Street is now empty and I trust the member will accept that these are judgements that are not easy to make, although easy for some to criticise’.

3. Questions from Members to Representatives of the Police / Fire Authorities

No questions were received.

4. Questions from Members to Cabinet Members or Committee Chairmen about issues relevant to their ward

(i) Councillor Over asked the Cabinet Member for the Environment

'Why, after at least seven years, has Anglian Water not been required to prevent unacceptable levels of air pollution from Stamford Sewage Works (which is within Peterborough Unitary Authority) causing economic loss, health concerns and a public nuisance to people living in and around the village of Barnack?'

Councillor Fitzgerald answered:

'The answer to this question is very lengthy. I would therefore refer Councillor Over to my written response to this question, sent earlier this week, and all Members have a copy of this document before them this evening'.

(ii) Councillor Miners asked the Cabinet Member for Efficiency and Business Improvement:

'I would like to ask the following questions in respect of the redevelopment of the former John Mansfield School site:

- a) When will demolition works commence on the site and when will such work be completed?
- b) The former art block on this site is in urgent need of refurbishment. Given that this building is to be retained as part of a Section 106 agreement, when will funds be released to undertake this work? A letter from the Chief Executive to the Dogsthorpe and Welland Community Development Group dated 12 August 2008, confirms that funding can be released and repaid from sale proceeds thus allowing works such as the art block refurbishment, to commence. What is the reason for the delay and what are the timescales for the work to commence and conclude?
- c) When will work commence to re-route the utilities on this site and what is the expected timescale for completion?'

Councillor Scott answered:

- a) Subject to finalising the configuration of the retained buildings, quotations for this work is in progress, aiming for a start in January 2009 with a twelve week programme;
- b) The Section 106 obligation of £150K connected with Sports England requirement for replacing facilities in the school disposal programme will be used to reimburse the funds that can be taken from the Community Reinvestment Grant budget to renovate the arts building. Work (value circa. £22K) to renew the roof will begin within the next few weeks;
- c) Re-routing of the services is dependent on final configuration of the retained building. This work can start when this is decided and subject to the utilities' own work programmes, but will be completed before the demolition is finished so ensuring that tenants can continue to operate.

Councillor Miners asked a supplementary question as follows:

'I would like details of the total cost and timescale to renovate the whole former art block, not just the roof. Can the Cabinet Member advise why this work cannot be done all at the same time if the money is available?'

Councillor Scott responded:

'Unfortunately I cannot answer this immediately. However, you will receive a written answer within a week'.

(iii) Councillor John Fox asked the Cabinet Member for the Environment:

'Could the Cabinet Member for the Environment inform me how the £10K allocated to Cuckoo's Hollow in Werrington will be spent this year and if there will be any consultation with the ward councillor for Werrington and the Friends of Cuckoo Hollow on how best to spend this money? I would also like to invite the Cabinet Member to come along for a walk around the lake, with the Friends of Cuckoo's Hollow, to see for himself just what can be achieved when there is a will to achieve it, and to remind him that there is still a lot of productive work to be done'.

Councillor Fitzgerald answered:

'The Council has set a provision of £10K in this year's capital programme for works to the water course through Cuckoo's Hollow. This is a similar figure to the amount that was made available last year, when we were able to significantly improve the flow of water through the pond area and help increase oxygen levels. We anticipate that this year work will be undertaken to trim back some of the reed beds and undertake some maintenance of the island. However, we will be consulting with residents and the Friends of Cuckoo's Hollow prior to commencing work. It would have been inappropriate to undertake this work in the summer months due to the risk of disturbing breeding habitats for birds and other aquatic species'.

(iv) Councillor Fower asked the Cabinet Member for the Environment:

'What do people living in and around the old Lincoln Road have to do in order for the current administration to take action on preventing vehicles speeding along the said stretch of road?'

Councillor Fitzgerald answered:

'The section of Lincoln Road (from the Cock Inn to Davids Lane) comprises a wide, relatively straight carriageway with properties being set well back from the edge of the highway and therefore presents a wide and clear aspect to motorists. Following identification of the speeding issue (85% vehicle speeds over 40mph, despite the limit being 30mph), it was one of the four sites treated as part of the pilot scheme to use vehicle activated signs (VAS) and also had speed limit roundels marked on the carriageway at the northern end. Whilst the VAS achieved a small reduction in speeds for a short duration there was no lasting effect.

Any engineering solution to achieve a permanent reduction in speeds would be expensive and not justified on the lack of accidents that have occurred (only three accidents in the past three years). Furthermore, such measures would need to reflect the regular bus usage and thus may prove less effective in addressing the speeding issue.

I will request that our Traffic Officer raises the issue of enforcement at his next Police Liaison Meeting which I believe would be the most appropriate means to address the issue'.

Councillor Fower asked a supplementary question as follows:

'Would the Cabinet Member like to visit the area and join him in a 'door-to-door' walkabout to speak with residents?'

Councillor Fitzgerald responded:

'I would be happy to do this if you have real concerns that you feel are not being addressed'.

| | |
|------------------|-------------------|
| COUNCIL | AGENDA ITEM No. 4 |
| 10 DECEMBER 2008 | PUBLIC REPORT |

MAYOR'S ANNOUNCEMENTS

1. PURPOSE OF REPORT: FOR INFORMATION

This report is a brief summary of the Mayor's activities on the Council's behalf during the last meetings cycle, together with relevant matters for information.

2. ACTIVITIES AND INFORMATION –From to 29 September 2008 to 30 November 2008.

2.1 Civic Events

- Opened Bridge Fair, on The Embankment on 7 October 2008.
- Attended RAF Wittering exercising the Freedom of the City with march past on 19 October 2008
- Attended Remembrance Sunday service and parade on 9 November 2008
- Led two minutes silence on Cathedral Square on 11 November 2008

2.2 Visitors to the Mayor's Parlour

- Hosted presentation to retiring and non-elected councillors on 29 September 2008
- Attended planning meeting in for RAF Wittering Freedom Parade in October
- Hosted reception in the Mayor's Parlour for winners of the Peterborough in Bloom Garden competition on 16 October 2008
- Met with City Centre Director, Annette Joyce on 27 October 2008
- Met with Jamie MacFarlane who advised on street leader event on 3 November 2008
- Met with Cllr Swift to discuss 2 minutes silence event 3 November 2008
- Chaired Holocaust Memorial planning meeting on 19 November
- Chaired charity committee meeting on 24 November

2.3 Charity Events

- Hosted Sausage Supper on 7 October 2008.

2.4 Council and Other Events

- Visited River View Apartments show home on 29 September 2008
- Attended Photo shoot to promote Cresset pantomime on the Town Hall steps on 30 September 2008
- Attended Anglo-American golf tournament at Milton Golf Club on 1 October 2008
- Attended the Navrati Festival, The Cresset on 2 October 2008
- Visited to the Voyager School, Peterborough on 3 October 2008
- Attended Chairman of South Cambridgeshire District Council's Reception at South Cambridgeshire Hall, Cambourne on 3 October 2008
- Attended Mayor of St Neots Civic Ball at the Priory Centre, St Neots on 4 October 2008

- Attended County Justice Service in Ely Cathedral on 5 October 2008
- Attended Peterborough Workplace Travel Awards in the Town Hall on 6 October 2008
- Attended Navrati Festival, The Cresset on 6 October 2008
- Attended Citizenship Ceremony in the Council Chamber on 7 October 2008
- Attended Business Focus Exhibition at the Holiday Inn, West on 8 October 2008
- Attended Full council meeting on 8 October 2008
- Attended Mikado at the Key Theatre performed by Gilbert and Sullivan Society on 9 October 2008
- Attended Recruit 2008 at the Town Hall on 10 October 2008
- Attended Chairman of Fenland District Council's Charity dinner dance at the Oliver Cromwell Hotel, March on 10 October 2008
- Attended two events to mark the end of the Peterborough Libraries Reading Challenge at the Broadway Theatre on 11 October 2008
- Attended Bengali Cultural Association Durga Puja celebrations at The Millennium Centre, Dickens Street on 11 October 2008
- Attended Great Eastern Run start in Cathedral Square then to the Embankment on 12 October 2008
- Opened new community pharmacy at Halls the Chemist, 57 Napier Place, Orton Wistow on 13 October 2008
- Peterborough Civic Society Annual General Meeting in St Mark's Church Hall, Lincoln Road
- Collected two young people from Heltwate School as part of local democracy week. Returned to parlour for coffee and question time with the Mayor and then they accompanied the Mayor to Lite FM on 14 October 2008
- Attended interview at Lite FM on 14 October 2008
- Attended Licensing and Installation of Rev Janet Collins, Church of the Holy Spirit, Bretton on 15 October 2008
- Attended Age Concern annual general meeting at St Mary's Church, New Road on 15 October 2008
- Attended official opening of new AB Agri offices, 64 Innovation Way, Lynch Wood on 17 October 2008
- Joined the Trecentenary Celebrations of Sri Guru Granth Sahib J on Cathedral Square followed by visit to Royce Road Temple 18 October 2008
- Attended Peterborough Phantoms Ice Hockey match on 18 October 2008
- Attended feedback meeting BMX British Championships on 20 October 2008
- Attended Intelligence Fusion Centre Building Dedication at RAF Molesworth, Huntingdon on 20 October 2008
- Attended Citizenship ceremony in the Council Chamber on 21 October 2008
- Attended Community Launch of Specialist Status at Hampton College, Eagle Way, Hampton Vale
- Attended celebration of Eid with senior citizens of Central Ward on 23 October 2008
- Attended Children in Care Awards – Peterborough Regional College on 24 October 2008
- Opened quilt exhibition at All Saints Church, Park Road on 25 October 2008
- Attended Peterborough Rugby Club lunch and match at 2nd Drove, Fengate on 25 October 2008
- Attended Fair View Court/Axiom Housing Association dance at Orton Longueville School on 25 October 2008
- Attended Mayor of March's Civic Service in St Mary's church, Westry, Wisbech Road, March on 26 October 2008
- Presented certificates to supported PCAE adult learners at The King's School, Peterborough on 27 October 2008
- Attended Italian Luncheon Club at the South Grove Centre on 28 October 2008
- Attended the Big Draw Workshop. Abbotsmede Children's Centre on 31 October 2008
- Attended Chairman of Huntingdonshire District Council's Reception at the St Ivo Leisure Centre, St Ives on 31 October 2008
- Attended Firework Fiesta in Ferry Meadows on 1 November 2008

- Attended Royal British Legion Re-Dedication Service in St Mary's Church, New Road on 2 November 2008
- Attended Cambridgeshire Constabulary Awards ceremony at the Performing Arts Centre, Hinchingsbrooke House, Brampton Road, Huntingdon on 3 November 2008
- Attended Citizenship ceremony in the Council Chamber on 4 November 2008
- Attended Peterborough Gang Show performance at the Key Theatre on 4 November 2008
- Joint visit to Children's Services with Chief Executive on 5 November 2008
- Attended Volunteer Awards night in the Town Hall on 6 November 2008
- Opened Youth Council meeting in the Council Chamber, Town Hall on 7 November 2008
- Attended funeral of Mr Ernest Morris (former President Royal British Legion) at Peterborough Crematorium on 7 November 2008
- Presented GCSE certificates at Peterborough High School on 7 November 2008
- Attended In Remembrance charity in Peterborough Cathedral on 7 November 2008
- Attended Performance of Oliver by pupils from Peterborough High School on 8 November 2008
- Attended Vital Communities Film Festival 2008. St Thomas More RC Primary School on 11 November 2008
- Attended Business Networking Launch, Haycock Hotel on 11 November 2008
- Attended Veterans' Day Ceremony, Cambridge American Military Cemetery on 12 November 2008
- Attended Mayor of Sandy's charity dinner at the China Express, 16 Market Sq, Sandy on 12 November 2008
- Attended ProHelp Showcase Event in the Reception Room on 13 November 2008
- Attended Exhibition of pictures "Amazing Grace" at 2 Benstead, Orton Goldhay on 13 November 2008
- Attended Peterborough Cathedral Trustees' meeting in the Deanery on 13 November 2008
- Attended Visit to Peterborough Museum at invitation of Heritage Lottery Fund on 14 November 2008
- Attended Visit to Sea Cadet unit at HMS Gildenburgh, Rivergate on 14 November 2008
- Attended Christmas lights switch-on in Cathedral Square followed by reception in the Mayor's Parlour on 15 November 2008
- Attended Flag Fen 25th anniversary dinner at The Great Northern Hotel, Peterborough on 14 November 2008
- Attended Rudolf Fund Christmas party at Peterborough United Football Club on 16 November 2008
- Attended Peterborough Symphony Orchestra at the Broadway Theatre on 16 November 2008
- Attended U3A's quilting meeting, All Saints Church Hall, Park Road on 17 November 2008
- Attended Interview at Lite FM on 18 November 2008
- Attended Citizenship ceremony in the Council Chamber on 18 November 2008
- Attended Awareness day in conjunction with World COPD (Chronic Obstructive Pulmonary Disease) day at Boots Chemist, Serpentine Green, Hampton on 19 November 2008
- Attended 'Creating the UK's Environment Capital' at the The Bull Hotel on 19 November 2008
- Attended Foster Carers' Long Service Awards at the Fleet Community Centre on 20 November 2008
- Judged anti-bullying campaign schools competition beginning at Town Hall and moving onto Central Library on 21 November 2008
- Attended Mayor of Rushden's Civic charity dinner at the Sharnbrook Hotel, A6/Park Lane, Sharnbrook on 21 November 2008
- Attended opening of new affordable homes, Century Square, (Off Alma Road) Peterborough on 22 November 2008
- Attended Mayor of Huntingdon's charity evening at Commemoration Hall, Huntingdon on 22 November 2008
- Attended Peterborough High School Jazz Breakfast on 23 November 2008

- Attended unveiling of a Commemorative Plaque to The King's School in The Becket Chapel, Peterborough Cathedral (preceded by Evensong) on 23 November 2008
- Attended Macmillan Cancer Support fundraising concert at the Cresset on 23 November 2008
- Attended *Peterborough Has Talent* at the Broadway Theatre, Peterborough on 24 November 2008
- Attended Service of Thanksgiving in Peterborough Cathedral for aircraftmen killed in action, followed by reception in the officers' mess at RAF Wittering on 25 November 2008
- Attended Improving Accessibility Beacon Open Day at the Bull Hotel on 26 November 2008
- Attended Mayor of Downham Market's civic reception in the Town Hall, Downham Market on 26 November 2008
- Attended Dinner with Station Commander at Kestrel House, RAF Wittering on 28 November 2008
- Rode the first Santa Special at the Nene Valley Railway on 30 November 2008

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

None.

4. DIRECTOR RESPONSIBLE

Chief Executive.

| | |
|-------------------------|--------------------------|
| COUNCIL | AGENDA ITEM No. 7 |
| 12 DECEMBER 2008 | PUBLIC REPORT |

EXECUTIVE REPORT – FOR INFORMATION

1. CALL-IN BY SCRUTINY COMMITTEE

The Council's call-in mechanism has been invoked in respect of the following decisions:

1.1 Appointments to the Greater Peterborough Partnership for the Municipal Year 2008/2009 – decision published 30 September 2008

A request for call-in was submitted on 2 October 2008 on the grounds that the decision did not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:

- (a) realistically consider all alternatives and, where reasonably possible, consider the views of the public;
- (b) understand and keep to the legal requirements regulating their power to make decisions; and
- (c) follow procedures correctly and be fair.

The Scrutiny Committee discussed the call-in request at its meeting of 15 October 2008. Following consideration of the call-in request and of a letter received on 15 October from Councillor Peach (the decision maker), confirming that Councillor Elsey would no longer be an appointee to the GPP Board, the Committee agreed to refer the decision back to Councillor Peach for reconsideration and to recommend that he appoint a non-Conservative Member to the vacant position on the GPP Board.

Councillor Peach reconsidered the decision and on 29 October 2008 took the following decision:

To approve the appointment of the following Councillors to the Greater Peterborough Partnership until May 2009 following the procedure set out in Part 3, section 5, paragraph 5.3.4 (i) of the constitution.

Executive Appointments

- GPP Board – Cllr Lee
- GPP Executive – Cllr Peach
- Children's Trust Partnership Board – Cllr Goldspink
- Cohesion Board – Cllr Murphy
- Community Safety Partnership – Cllr Murphy
- Environment Capital Partnership – Cllr Fitzgerald
- Health Partnership Board – Cllr Lamb
- Neighbourhood Investment Strategic Partnership – Cllr Collins
- Growth Partnership – Cllr Murphy

Non Executive Appointments

- GPP Board – Cllr Walsh and Cllr Sandford
- GPP Executive – Cllr Holdich
- Environment Capital Partnership – Cllr Kreling
- Health Partnership – Cllr Rush

1.2 **Traveller Transit Site Provision** – decision published 6 October 2008

A request for call-in was submitted on 7 October 2008 on the grounds that the decision did not follow the principles of good decision making set out in Article 12 of the Council's Constitution, specifically that the decision maker did not:

‘realistically consider all alternatives and, where reasonably possible, consider the views of the public’.

On 16 October 2008, as a result of new information obtained from the Highways Agency and in light of the local concerns raised the decision maker withdrew the decision. The call-in request was therefore also withdrawn.

2. **SPECIAL URGENCY AND WAIVE OF CALL-IN PROVISIONS**

Scrutiny Procedure Rule 13.1 and Executive Procedure Rule 7 require any instances where the Council's special urgency provisions have been invoked, and/or the call-in mechanism was not applied, to be reported to the next available meeting of the Council, together with reasons for urgency.

Since the last report to Council, the special urgency measure has been invoked in respect of the following decision:

- **Peterborough Crematorium – Mercury Abatement – decision taken on 28 October 2008 by the Leader of the Council, Councillor Peach**

The Council's special urgency procedure was invoked in respect of this key decision as it could not be delayed until the expiry of the usual five day waiting period. The decision was required to be taken urgently as any delay would have prejudiced the Council's interests. The consent of the Chairman of Scrutiny Committee had been obtained to waive the requirement to wait for five days because of the statutory requirement on the Council to respond to its regulator within a prescribed timescale.

The Leader of the Council was recommended to:

- a) determine the Council's commitment to install mercury abatement plant at Peterborough Crematorium to comply with the requirements of The Environmental Permitting (England and Wales) Regulations 2007 and Environmental Protection (England) (Crematoria Mercury Emissions) Direction 2008;
- b) consider the proposed funding options detailed in the attached exempt annex and agree the most appropriate funding arrangement;
- c) give authority to the Chief Executive (or nominee) to notify the regulator (Environmental Health Officer) of the Council's intention to abate together with the steps taken to meet the statutory directive issued by the Department for Environment, Food and Rural Affairs (DEFRA).

There have been no instances where the call-in mechanism was suspended.

3. CABINET MEMBER DECISIONS

| CABINET MEMBER AND DATE OF DECISION | DECISION TAKEN |
|--|---|
| <p>21 September 2008</p> <p>Councillor Goldspink</p> | <p>Appointment of LEA Governor to Norwood Primary School</p> <p>To appoint Mr Nigel Smith, nominated by the governing body.</p> |
| <p>22 September 2008</p> <p>Councillor Scott</p> | <p>Discretionary Rate Relief from Business Rates for Charities, similar Organisations not established or conducted for Profit and Rural Businesses</p> <p>To approve the award of Discretionary Rate Relief for Charities and similar organisations and to approve the award of Discretionary Rural Rate Relief for the organisations as shown in the decision notice for a period of 3 years from 1 April 2008 until 31 March 2011.</p> |
| <p>24 September 2008</p> <p>Councillors Fitzgerald and Scott</p> | <p>The Green Backyard</p> <p>Authority to use the ex-allotment site owned by PCC, located on London Road for a period of three years for the purpose of creating an exemplar environmental demonstration facility. The project would cover all aspects of sustainability, enabling people to grow and produce their own food, encouraging communities to adopt renewable and sustainable ways of living, run skills courses to allow people to gain the knowledge required to adopt behavioural change.</p> |
| <p>7 October 2008</p> <p>Councillor Murphy</p> | <p>The Barnack Conservation Area Appraisal</p> <p>To approve boundary changes to the Barnack Conservation Area.</p> |
| <p>9 October 2008</p> <p>Councillor Peach</p> | <p>Peterborough City Council Lottery Grants</p> <p>To approve applications for grant funding from the City Council Lottery Grants Fund for the following grants:</p> <p><u>Special Project Grants: To approve payment (up to the maximum) of £300 each for the groups below:</u></p> <ul style="list-style-type: none"> • Hampton Cricket Club - £300 towards the hire of portakabin for teams to use as changing facilities whilst usual facilities (community building) were being rebuilt <p><u>2. Capital Grants: To approve payment (up to the maximum) of £500 each for the groups below:</u></p> |

| | |
|---|---|
| | <ul style="list-style-type: none"> • Glinton Community Association - £500 towards the refurbishment of the village hall kitchen, specifically as a contribution towards re-tiling • Environclean Community Group - £500 towards the purchase of IT equipment for the group. This group, who focussed on education of the public about all aspects of waste management was based in Peterborough, and was applying for a grant to contribute to a project in Peterborough to change behaviour with particular regard to litter, in deprived areas of Peterborough. <p>3. <u>Sport, Individual and Team Sponsorship:</u></p> <p><u>Individual Sponsorship: To approve payment of £300 each for the following persons</u></p> <ul style="list-style-type: none"> • Samuel Cayley - £300 to take part in the European U17 Roller Hockey Championship in Italy <p><u>Total Allocation: £1600</u></p> |
| <p>22 October 2008</p> <p>Councillor Scott</p> | <p>Sale of land and building known as 110 Paynels, Orton Goldhay, Peterborough</p> <p>To authorise the Chief Executive (in consultation with the Head of Strategic Property (as Corporate Property Officer,) Director of Strategic Resources and Cabinet Member for Efficiency and Business Improvement (who would liaise with the Leader of the Council) to conclude terms for the sale of the Freehold interest in 110 Paynels, Orton Goldhay, Peterborough to the existing Tenant, based on best consideration principles for the purpose and sum set out in the exempt annex.</p> |
| <p>22 October 2008</p> <p>Councillor Murphy</p> | <p>The Werrington Conservation Area Appraisal</p> <p>To approve boundary changes to the Werrington Conservation Area.</p> |
| <p>24 October 2008</p> <p>Councillor Fitzgerald</p> | <p>Parking Review</p> <p>To authorise:</p> <p>a) The introduction of zonal parking charges i.e. the parking charges are greater in those car parks closer to the city centre.</p> <p>b) A reduction in the maximum stay permitted in the Car Haven Car Park from 4 hours to 3 hours.</p> <p>c) The reintroduction of the 30 minute tariff in all car parks.</p> |

| | |
|---|---|
| | <p>d) An increase in the evening rate from £1.20 to £1.50 in all car parks where evening charges currently applied i.e. Pleasure Fair Meadow, Horse Fair Meadow, Dickens Street, Wellington Street, Bishops Road, Riverside, Car Haven, Brook Street, Trinity Street, Market Multi Storey Car Park and Craig Street.</p> <p>e) The revocation of the £4 all day charge operating in the Pleasure Fair Meadow, Horse Fair Meadow, Wellington Street, Dickens Street and Craig Street car parks introduced for the Town Bridge Works.</p> <p>f) An increase in all weekly, monthly, quarterly, annual and evening season ticket prices by 3% per annum.</p> <p>g) An increase in the cost of the Market Traders permit over a 3-year rolling increase to £30/month in year 1; to £40/month in year 2; and, to £50/month in year 3.</p> <p>h) The removal of free parking for blue badge holders from all off-street locations following accessibility improvements within the car parks, thereby making all off-street bays payable by all users.</p> <p>i) An increase in the fee for residents permits to £19 per annum for the first vehicle, £38 for the second vehicle and £57 for the third vehicle.</p> <p>j) The introduction of a six month residents permit for £12.</p> <p>k) The introduction of a charge of £5 to amend all forms of permits (residents, visitors and carers etc) and season tickets.</p> <p>l) The introduction of regular visitor's permits at a cost of £19 for the first vehicle and £38 for the second vehicle.</p> <p>m) The introduction of a scratch-card system for visitor permits at a charge of £10.00 per book by March 2009.</p> <p>n) The introduction of a carers permit at the same cost as a residents permit i.e. £19 per annum.</p> <p>o) The introduction of a 6-month visitors and carers permits at a cost of £12</p> |
| <p>27 October 2008</p> <p>Councillor Murphy</p> | <p>The Wansford Conservation Area Appraisal</p> <p>To approve boundary changes to the Wansford Conservation Area.</p> |
| <p>27 October 2008</p> <p>Councillor Murphy</p> | <p>The Orton Waterville Conservation Area Appraisal</p> <p>To approve boundary changes to the Orton Waterville Conservation Area.</p> |

| | |
|---|---|
| <p>27 October 2008</p> <p>Councillor Murphy</p> | <p>The Thorney Conservation Area Appraisal</p> <p>To approve boundary changes to the Thorney Conservation Area.</p> |
| <p>31 October 2008</p> <p>Councillor Scott</p> | <p>Award of Special Educational Needs (SEN) Transport Routes</p> <p>Approval was sought to award special education needs (SEN) transport routes to the following transport providers to commence on the first day of the school term January 2009 for a period up to approximately 3 ½ years to coincide with the end of school year July 2012. In accordance with the conditions of contract, the Council would have the option to extend the Contract or Route for a further period of up to 5 years from the end of the Contract or Route Period and would notify the Contractor of such extension by giving written notice:</p> <p>3 Star Ambassador Ash School Transport Bettacars Diamond Cars DTS - subject to financial approval Eames Eurocabs First Choice Travel Goldstar Royal Taxis Translinc Ltd Woodgrange</p> <p>Delegated authority was sought for the Director of Environment and Community Services to renegotiate and award any routes that may subsequently need to change to meet the needs of the child following the award of the contract.</p> |
| <p>31 October 2008</p> <p>Councillor Goldspink</p> | <p>Appointments of LEA Governors:</p> <ol style="list-style-type: none"> 1. Discovery Primary School – Mrs Betty Fowler nominated by the governing body; 2. Woodston Primary School – Mr Jonathan Symon nominated by the governing body; 3. West Town Primary School – Catherine Honeyford nominated by the school |
| <p>11 November 2008</p> <p>Councillors Fitzgerald and Scott</p> | <p>The Green Backyard, update</p> <p>Authority was sought to vary the terms of the decision dated 24 September 2008.</p> |

| | |
|---|---|
| | The revised decision sought authority to exceed the term of the lease to five years, with an optional break after 2 years with three months notice. |
| 13 November 2008 Councillors Goldspink and Lee | <p>Promotion of Play</p> <p>The Cabinet members were asked;</p> <ul style="list-style-type: none"> • to approve the allocation of Pathfinder funding across the Authority in line with appendix A to the report • to approve the application for Pathfinder status and Bretton Park as the site for the Adventure Playground • to agree to proceed with the consultation on the staffed play centres based on the objectives agreed with the Children and Life Long Learning and Community Development Scrutiny Panels in September 2008 and to remodel the service based on the objectives below and the consultation process. <p>These objectives were;</p> <ul style="list-style-type: none"> • To ensure access to play for all children across the city • To target resources on those areas in the city where outcomes are the poorest • To support parents and communities in developing play resources |
| 18 November 2008 Councillor Scott | <p>Corn Exchange, Peterborough</p> <p>This decision supplemented the previous CMDN "Corn Exchange, Peterborough" dated 20 June 2007.</p> <p>To authorise the Head of Strategic Property (as Corporate Property Officer), in consultation with the Solicitor to the Council to conclude negotiations for the Council to obtain vacant possession of the building prior to demolition and re-provision of the Streets, Square and Spaces Strategy for Cathedral Square Improvements (formerly known as the Public Realm Strategy).</p> |
| 18 November 2008 Councillor Scott | <p>Schools Broadband Contract</p> <p>Authority to award Schools Broadband Contract to Udata Infrastructure UK Limited for a term of seven years commencing on 1st April 2009 and ending on March 31st 2016 for the provision of a Managed Service Broadband Network to Peterborough City Council schools.</p> <p>The services offered would include all communications and networking links and equipment, maintenance, support and management of the network and the provision of management information.</p> |

| | |
|---|--|
| <p>18 November 2008</p> <p>Councillor Scott</p> | <p>Preventative and Family Support Services contracts</p> <p>Authority to award preventative and family support service contracts to:</p> <p>i) Family Action (previously Family Welfare Association):</p> <ul style="list-style-type: none"> • Services for Family Group Conferencing at "edge of care" • After school club for children with disabilities <p>ii) Family Mediation Services:</p> <ul style="list-style-type: none"> • Services providing family mediation for poorer families • Counselling for children and young people who are experiencing difficulties related to parental separation, divorce or domestic violence <p>iii) Drinksense:</p> <ul style="list-style-type: none"> • Services offering confidential advice, information, counselling and support for children of parents misusing alcohol <p>iv) YMCA Cambridgeshire & Peterborough:</p> <ul style="list-style-type: none"> • Services helping children aged 7-13 identified as needing additional support through key transitions in their lives. <p>v) Peterborough City Council Sports Development Team:</p> <ul style="list-style-type: none"> • Disability sports project focusing on working with children and young People with disabilities and their families <p>vi) Peterborough Women's Aid:</p> <ul style="list-style-type: none"> • Support services for vulnerable children and young people living in the refuge with their mothers who are victims of domestic abuse. <p>vii) Bridgegate Drugs Advice Service Ltd:</p> <ul style="list-style-type: none"> • Services offering confidential advice, information, counselling and support to children of parents misusing drugs <p>for the sums set out in the exempt annex.</p> |
| <p>19 November 2008</p> <p>Councillor Scott</p> | <p>Streets, Squares and Spaces Strategy Phase One Cathedral Square works</p> <p>Authority was sought to award the following contract to the respective contractor who was part of the Midlands Work Framework 3 (MWF3) contract, for the sum set out in the Exempt Annex:</p> <p>1) Streets, Squares and Spaces Strategy (formerly known as the Public Realm Strategy) Phase One; Cathedral Square, to Geoffrey Osborne Ltd.</p> |

| | |
|--|---|
| <p>25 November 2008</p> <p>Councillor Scott</p> | <p>Extension of Heltwate School to Provide Four Additional Classrooms and Associated Facilities</p> <p>Authority to award the contract for the extension of Heltwate School to provide four additional classrooms and associated facilities to M.A.R.S (Construction) Limited for the sum outlined in the exempt annex.</p> |
| <p>25 November 2008</p> <p>Councillor Goldspink</p> | <p>Appointments of LEA Governors:</p> <ol style="list-style-type: none"> 1. Highlees Primary School – Councillor Gul Nawaz nominated by the Conservative group 2. Queens Drive Infants School – Helen Wade nominated by the Conservative group |
| <p>27 November 2008</p> <p>Councillors Goldspink and Scott</p> | <p>Phase 2 Secondary School Review (South of the City) Project - Proposed Bushfield Academy</p> <ol style="list-style-type: none"> 1. To authorise the Executive Directors - Children's Services and Strategic Resources to sign the Expression of Interest if approved by the DCSF, for submission to Ministers 2. To authorise the Executive Director - Children's Services in consultation with the Cabinet Member for Children's Services to carry out all the statutory procedures to close Bushfield School and open an Academy 3. To authorise the Executive Director – Strategic Resources, in consultation with the Executive Director – Children's Services, and the Cabinet Members for Children's Services and Efficiency and Business Improvement, to appoint a Project Management Company to manage the feasibility and implementation phase of the project, including, but not limited to, working with the DCSF and Ormiston Trust as the sponsor 4. To authorise the Executive Director – Children's Services, in consultation with the Cabinet Member for Children's Services, to appoint the Academy Principal working with the DCSF and Ormiston Education Trust as the sponsor 5. To authorise the Executive Director – Strategic Resources to appoint any professional advisers required, including, but not limited to, legal, financial and technical advisers. 6. To authorise the Head of Strategic Property in consultation with the Solicitor to the Council, and in consultation with the Executive Director Children's Services and the Cabinet Member for Children's Services to agree terms and enter into a short term lease for the Academy Trust to occupy the existing Bushfield School buildings. |

| | |
|-------------------------|--------------------------|
| COUNCIL | AGENDA ITEM No. 8 |
| 10 DECEMBER 2008 | PUBLIC REPORT |

EXECUTIVE REPORT – RECOMMENDATION

1. S106 PLANNING OBLIGATIONS IMPLEMENTATION SCHEME

1.1 Following a referral from the Scrutiny Committee, Cabinet at its meeting on 24 November 2008 considered the S106 Planning Obligations Implementation Scheme.

1.2 The S106 Scheme has been devised as a corporate framework which is intended to be acceptable to landowners and developers and meet the needs of service departments and the council's partners in its growth strategy. The current and proposed arrangements are integral to providing funding to the Corporate Plan, Sustainable Community Strategy and Local Area Agreement (LAA) priorities and outcomes. The document helps to deliver Local Plan Policy IMP1 and is consistent with the emerging policy CS11 of the draft Core Strategy.

1.3 The scheme seeks to provide: -

- a costed social and physical infrastructure programme which has to be funded for the growth strategy to succeed, and to which new development needs to make a proportionate contribution
- the principle that all significant developments including minor residential but not house extensions make a contribution to infrastructure growth because of their impact on the use of social and physical infrastructure like schools and public transport
- on-site infrastructure and contributions to neighbourhood and city-wide provision, on a phased basis in some cases and by negotiation on larger sites
- standard contribution figures for a range of different developments which will be used to assess the S106 Obligation. This includes a range of softer community, social and environmental projects which would not necessarily have attracted a contribution under the current Scheme
- a requirement that contributions are paid on all housing – including affordable
- pooled arrangements for taking funds from a series of relevant developments and banking them over a period, adding other funding until the project is fully funded and can commence implementation
- scenarios showing the impact on new development, and a separate report which assesses this. The report's conclusion is that the new scheme's impact will vary case by case, but that it enhances transparency and consistency for developers
- the scheme will be carefully monitored and reviewed at least annually and modified to ensure it meets its objectives. Its infrastructure costs and contributions will be indexed
- the scheme will collect contributions for PCC and partner services
- there will be a charge on development towards the costs of running the S106 activity which will be administered within the Planning Service and be accounted for to the Planning and Environmental Protection Committee

- 1.4 there has been extensive consultation with developers and other parties who have contributed to the development of the scheme
- 1.5 Cabinet has approved the scheme prior to its submission to Council.
- 1.6 The Cabinet report is attached as **Appendix A** to this report. The draft minutes of the Cabinet meeting are attached as **Appendix B** to this report and include an annexe detailing questions raised by Cabinet during its discussion of the report.

IT IS RECOMMENDED that Council:

Approve the S106 Planning Obligations Implementation Scheme for phased introduction after this meeting of Council and agree:

(i) That there be further work carried out to give the Implementation Scheme status as a Supplementary Planning Document

(ii) That for applications both approved between 1 January 2009 and 31 December 2009, and substantially completed before 31 December 2010 there will be:

- A discount of 30% on s106 financial contributions
- A reduction of 'expected' Affordable Housing level from 35% down to 25%

(iii) That meetings are convened for the members of each Neighbourhood Investment Area, to ensure that Members are fully involved in discussing, identifying and confirming required infrastructure for each area, and the means of provision, including S106 Planning Obligations.

| | |
|-------------------------|----------------------|
| CABINET | AGENDA ITEM No. |
| 24 NOVEMBER 2008 | PUBLIC REPORT |

| | | |
|-----------------------------|---|---|
| Cabinet Member responsible: | Cllr Graham Murphy – Cabinet Member for Housing, Regeneration and Economic Development | |
| Contact Officer(s): | Ben Ticehurst – Deputy Chief Executive Paul Phillipson – Director of Operations Barry Fagg Interim - Head of Planning Services Graeme Law – Strategic Planning Executive Shahin Ismail – Head of Legal Services | Tel. 01733452303 01733 453556 01733 453492 01733 863825 01733 452484 |

S106 PLANNING OBLIGATIONS IMPLEMENTATION SCHEME

| RECOMMENDATIONS | |
|--|---|
| FROM : <i>Scrutiny Committee, Deputy Chief Executive and, Cabinet Member for Housing, Regeneration and Economic Development</i> | Deadline date : The draft SPD needs to be in place by 1 January 2009 |
| <ol style="list-style-type: none"> 1) That the s106 Planning Obligations Implementation Scheme be approved, for phased introduction after the December meeting of Council. 2) That there be further work carried out to give the Implementation Scheme status as a Supplementary Planning Document. 3) That for applications both approved between 1st January 2009 and 31st December 2009, and substantially completed before 31st December 2010 there will be: <ul style="list-style-type: none"> • A discount of 30% on s106 financial contributions • A reduction of 'expected' Affordable Housing level from 35% down to 25% 4) That meetings are convened for the members of each Neighbourhood Investment Area, to ensure that Members are fully involved in discussing, identifying and confirming required infrastructure for each area, and the means of provision, including s106 Planning Obligations. | |

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following Scrutiny Committee on 10 November 2008 and CMT on 18 November 2008.

2. PURPOSE AND REASON FOR REPORT

The purpose of this report is to update the committee on the progress of the S106 Obligations Implementation Scheme in light of the withdrawal of the report that was originally submitted to the Planning and Environmental Protection Committee meeting on the 28 July 2008. The report has been substantially redrafted and widely consulted on with the development industry. It is recommended that Cabinet now grant approval for the

amended draft for proceeding for eventual adoption as a Supplementary Planning Document.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4 *To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.*

3. **TIMESCALE** *The intention is that the S106 Scheme is adopted as council policy and for the purposes of consultation and sustainability appraisal and then reported back with a view to adoption as a SPD (Supplementary Planning Document).*

| | | | |
|---|----------|---|----------|
| Is this a Major Policy Item/Statutory Plan? | YES | If Yes, date for relevant Cabinet Meeting | 24/11/08 |
| Date for relevant Council meeting | 10/12/08 | Date for submission to Government Dept <i>(please specify which Government Dept)</i> | N/A |

4. **MAIN BODY OF REPORT**

4.1. **BACKGROUND**

The S106 Scheme has been devised as a corporate framework which is intended to be acceptable to landowners and developers and meet the needs of service departments and the council's partners in its growth strategy. The current and proposed arrangements are integral to providing funding to the Corporate Plan, Sustainable Community Strategy and Local Area Agreement (LAA) priorities and outcomes. The document helps to deliver Local Plan Policy IMP1 and is consistent with the emerging policy CS11 of the draft Core Strategy.

The council agreed in 2007 that it needed to adopt a more detailed S106 framework and consultants working jointly for PCC & Opportunity Peterborough (OP) developed proposals. A report on the Planning Obligations Implementation Scheme was submitted to the Joint Scrutiny Committee on 28 July 2008. In the light of comments made, it was agreed to reflect further on the concerns raised and subsequent discussions have been held with house builders, developers' representatives and others. The council has also looked to revise the document due to economic changes in the development industry and the document before you reflects all of these changes.

The council has a Planning Obligations Policy (IMP1), which is a saved policy under the Local Plan (First Replacement) 2005. As part of that policy the council confirmed that separate guidance would be produced to outline priorities for the provision of infrastructure and facilities within the city. This Planning Obligations Implementation Scheme delivers on that commitment and therefore can be adapted as an SPD (Supplementary Planning Document).

The council has plans to grow Peterborough, which requires new infrastructure and replacement infrastructure to ensure that the city's growth is sustainably achieved. The council has worked with partners to capture the infrastructure requirements which are set out in the Integrated Growth Study (IGS) and the Integrated Development Programme (IDP).

4.2. **KEY ISSUES**

The council has relied on policy IMP1 for its current s106 policy framework since 2005 with the adoption of the current Local Plan. This is proving unsatisfactory in that it is: -

- insufficiently detailed
- open to different interpretations

- not a reliable framework on which service departments can depend in planning capital programmes
- unreliable as a framework for assessing developer contributions

For these reasons, the new scheme strengthens the council's negotiating position with developers.

4.3. THE SCHEME SEEKS TO PROVIDE: -

- a costed social and physical infrastructure programme which has to be funded for the growth strategy to succeed, and to which new development needs to make a proportionate contribution
- the principle that all significant developments including minor residential but not house extensions make a contribution to infrastructure growth because of their impact on the use of social and physical infrastructure like schools and public transport
- on-site infrastructure and contributions to neighbourhood and city-wide provision, on a phased basis in some cases and by negotiation on larger sites
- standard contribution figures for a range of different developments which will be used to assess the S106 Obligation. This includes a range of softer community, social and environmental projects which would not necessarily have attracted a contribution under the current Scheme
- a requirement that contributions are paid on all housing – including affordable
- pooled arrangements for taking funds from a series of relevant developments and banking them over a period, adding other funding until the project is fully funded and can commence implementation
- scenarios showing the impact on new development, and a separate report which assesses this. The report's conclusion is that the new scheme's impact will vary case by case, but that it enhances transparency and consistency for developers
- the scheme will be carefully monitored and reviewed at least annually and modified to ensure it meets its objectives. Its infrastructure costs and contributions will be indexed
- the scheme will collect contributions for PCC and partner services
- there will be a charge on development towards the costs of running the S106 activity which will be administered within the Planning Service and be accounted for to the Planning and Environmental Protection Committee
- there has been extensive consultation with developers and other parties who have contributed to the development of the scheme

4.4. CHANGES MADE IN RESPONSE TO SUBMISSIONS ARE:

- Confirmation of legality – The scheme has been changed to minimise both the risks of legal challenge and consequences of legal challenge, if any
- Simplification and shortening of the report, with the inclusion of a 'flow chart' that visually describes the process flow
- Raising the thresholds of contributions from non-residential uses – this will mean that smaller developments (often involving small and start-up companies) will not contribute
- In response to the 'Credit Crunch', the introduction of discount of 30% for new applications approved over a period of a year (between 10 December 2008 and 31 December 2009), and developed to substantial completion before 31 December 2010. This will not apply retrospectively, but may be extended or amended during the annual review
- partial suspension of 'affordable housing' requirements from 35% down to 25% - for new applications approved over a period of a year (between 10 December 2008 and 31 December 2009), and which are built before the end of 31 December 2010. This could improve the viability of schemes, but may involve loss of Housing Corporation support in some cases

- A 'Ready Reckoner' has been created, suitable for use in large majority of cases, allowing an early and clear statement of the obligation, and how it will be spent
- The council agrees that it should be more flexible in accepting Unilateral Undertakings – this will save some developers substantial time and cost

4.5. CHANGES NOT MADE DESPITE SUBMISSIONS ARE:

- Details of proposed infrastructure have been criticized for giving inadequate detail – 'Opportunity Peterborough' are currently updating the Integrated Development Programme which will address this issue
- Some developers are of the view that the 'Credit Crunch' is so drastic that contributions should be discounted by 100% - the view of officers is that contributions from developers are necessary and without which there is a serious risk that development will be deprived of infrastructure and therefore be unsustainable
- A number of people have suggested that the Neighbourhood Investment Areas are too large – our consultants suggested two (Urban and Rural) – the view of officers is that the current areas reflect the common investment areas agreed with partners and the planned pattern of development. While other neighbourhood areas can be considered in future, at the present time they are the most coherently defined areas proposed. In addition, the Scheme ensures that facilities are provided locally where this is feasible
- Defer a decision until after the Credit Crunch, the recession, the Community Infrastructure Levy etc – deferring a decision will not only continue major delay to applications, unfairness and misunderstandings, but would fail consistently to address a number of key applications due in the coming year, and risk failure to deliver key items of infrastructure.

Modifications to the report have been made following further discussions with developers and other parties and following Scrutiny Committee. Scrutiny Committee had reservations about the reduction in affordable housing from 35% to 25% however in officers' view that level of reduction is appropriate in the current market conditions.

5. CONSULTATION

- 5.1 Extensive discussion and structured consultation over a period of months with several draft proposals have been carried out by PCC, OP and others. Members have had periodic reports and a formal report in July 2008.
- 5.2 Following CMT and Cabinet approval as a draft Supplementary Planning Document:
- the Scheme will undergo a Sustainability Appraisal and will be publicised and consulted on prior to adoption as a Supplementary Planning Document
 - training will be provided for relevant staff and agents
 - relevant internal procedures will be introduced and tested in advance
 - it will operate from 1 January 2009 informally as a 'pilot' until such time as it is approved as SPD for those applications validated on or from then
 - there will be transitional arrangements for developments 'in the system'

Monitoring will take place throughout and will be reported as part of the business planning cycle

6. ANTICIPATED OUTCOMES

The proposed S106 Scheme has the following implications;

- It will ensure more widely dispersed contributions from more developments towards a wider range of social and physical capital programmes of PCC and partner services providers
- Developers' contributions towards off-site physical infrastructure may be reduced in some cases
- In current market conditions the council would consider a discount for developers as long as they started and finished their development within two years
- Because of current market conditions and the proposed discount of contributions, there will be a potential 'gap' in the funding for infrastructure, and therefore an increased risk that infrastructure will be delayed or under-provided
- Development projects will need to be transparently presented along with the planning application
- Unspent earmarked balances will be returned to contributing developers if not used within ten years of receipt
- The current S106 database needs to be updated and linked to the Infrastructure Development Plan and PCC's financial planning
- Service departments need training and guidance on how to work with the new scheme
- The Scheme will be administered corporately by the Planning Obligations Officer supported by Planning case officers, and relevant staff in services and partner organisations
- New process and procedures will need to be introduced to operate and maintain the new arrangements which will need to be fully monitored and audited

7. REASONS FOR RECOMMENDATIONS

The Planning Obligations Implementation Scheme will be markedly clearer, faster and fairer than at present and with a reduced risk of misunderstanding, delay and complaint. It will provide a clear 'stepping stone' to the finalisation of a Supplementary Planning Document following the approval of its Core Strategy.

The council needs robustly to test the proposals and then approve them subject to review in April to ensure a scheme is in place as soon as practical.

8. ALTERNATIVE OPTIONS CONSIDERED

GVA Grimleys, consultants advising the PCC have considered a range of S106 schemes but recommend this one

The Council could choose not to operate a scheme, but this approach is unsatisfactory for the reasons highlighted at paragraph 4.2..

9. IMPLICATIONS

Corporate Resources

Financial

The report has considerable income potential for PCC which can be realised if the staffing and organisation proposed in the Business Transformation Plan for the Planning Service. This is within budget.

Legal

The report has legal risks of challenge by developers.

Human Rights Act

The report will respect this

Human Resources

Staffing is being provided by the Planning Service

ICT

The data base and links will need developing

Property

There are no direct additional accommodation issues

Contract Services

There are no additional implications here

Cross-Service Implications

How does your proposal effect colleagues providing related services?

The S106 Scheme is designed to give benefits to service departments and PCC partners

Have they been consulted?

They are in the process of being fully involved and consulted

Risk Assessment

Have you evaluated risks and identified remedial actions?

Yes and these are considerable with a new scheme but experience with other local authorities suggested the process can be managed.

Community Implications

Race Equality Impact Assessment – No

Impact on other potentially disadvantaged groups – The Scheme is designed to produce a wider range of benefits and to be more inclusive than the current S106 Scheme.

Community Safety Assessment – No

Consultees

Ward Councillor(s)

Parish Council(s)

Community Association(s)

Partner Organisation(s) - **Yes Opportunity Peterborough**

GPP or Key Partnership Board

Trades Unions

10. BACKGROUND DOCUMENTS

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

- i. July S106 Planning Obligation Implementation Scheme Report to Planning Committee
- ii. Letters from GVA Grimley dated 21 December 2007, 11th January 2008 to the S106 Officer
- iii. Impact report Geoff Sutton
- iv. Chelmsford BC S106 SPD 2007

MINUTES OF CABINET MEETING HELD 24 NOVEMBER 2008

PRESENT

Councillor Peach - Leader of the Council, Councillor Collins, Councillor M Dalton, Councillor Goldspink, Councillor Lamb, Councillor Lee, Councillor Murphy and Councillor Sanders.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Fitzgerald and Scott.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 15 September 2008 were agreed as an accurate record and signed by the Leader.

4. ITEM FROM SCRUTINY PANELS

4.1 S106 Planning Obligations Implementation Scheme

Cabinet received an update on the progress of the S106 Obligations Implementation Scheme in light of the withdrawal of the report that was originally submitted to the Planning and Environmental Protection Committee meeting on the 28 July 2008. The report had been substantially redrafted and widely consulted on with the development industry.

The S106 Scheme had been devised as a corporate framework which was intended to be acceptable to landowners and developers and meet the needs of service departments and the council's partners in its growth strategy. The current and proposed arrangements were integral to providing funding to the Corporate Plan, Sustainable Community Strategy and Local Area Agreement (LAA) priorities and outcomes. The document helped to deliver Local Plan Policy IMP1 and was consistent with the emerging policy CS11 of the draft Core Strategy.

The scheme sought to provide: -

- a costed social and physical infrastructure programme which had to be funded for the growth strategy to succeed, and to which new development needed to make a proportionate contribution
- the principle that all significant developments including minor residential but not house extensions made a contribution to infrastructure growth because of their impact on the use of social and physical infrastructure like schools and public transport
- on-site infrastructure and contributions to neighbourhood and city-wide provision, on a phased basis in some cases and by negotiation on larger sites
- standard contribution figures for a range of different developments which would be used to assess the S106 Obligation. This included a range of softer community, social and environmental projects which would not necessarily have attracted a contribution under the current Scheme
- a requirement that contributions were paid on all housing – including affordable
- pooled arrangements for taking funds from a series of relevant developments and banking them over a period, adding other funding until the project was fully funded and could commence implementation
- scenarios showing the impact on new development, and a separate report which assesses this. The report's conclusion was that the new scheme's impact would vary case by case, but that it enhanced transparency and consistency for developers

- the scheme would be carefully monitored and reviewed at least annually and modified to ensure it met its objectives. Its infrastructure costs and contributions would be indexed
- the scheme would collect contributions for PCC and partner services
- there would be a charge on development towards the costs of running the S106 activity which would be administered within the Planning Service and be accounted for to the Planning and Environmental Protection Committee
- there had been extensive consultation with developers and other parties who had contributed to the development of the scheme

Details of questions raised during the meeting are attached at Annexe 1 to these minutes.

CABINET RESOLVED TO:

Approve the contents of the report and recommend to Council:

- (i) That the s106 Planning Obligations Implementation Scheme be approved, for phased introduction after the December meeting of Council.
- (ii) That there be further work carried out to give the Implementation Scheme status as a Supplementary Planning Document.
- (iii) That for applications both approved between 1st January 2009 and 31st December 2009, and substantially completed before 31st December 2010 there will be:
 - A discount of 30% on s106 financial contributions
 - A reduction of 'expected' Affordable Housing level from 35% down to 25%
- (iv) That meetings are convened for the members of each Neighbourhood Investment Area, to ensure that Members are fully involved in discussing, identifying and confirming required infrastructure for each area, and the means of provision, including s106 Planning Obligations.

REASONS

The Planning Obligations Implementation Scheme will be markedly clearer, faster and fairer than at present and with a reduced risk of misunderstanding, delay and complaint. It will provide a clear 'stepping stone' to the finalisation of a Supplementary Planning Document following the approval of its Core Strategy.

The council needs robustly to test the proposals and then approve them subject to review in April to ensure a scheme is in place as soon as practical.

ALTERNATIVE OPTIONS

GVA Grimleys, consultants advising the PCC have considered a range of S106 schemes but recommend this one.

The Council could choose not to operate a scheme, but this approach is unsatisfactory for the reasons highlighted at paragraph 4.2 of the report.

Meeting closed at 7.05 pm.

Chair.....

Date.....

ANNEX TO MINUTES OF CABINET MEETING HELD ON 24 NOVEMBER 2008

ITEM 4.1 S106 PLANNING OBLIGATIONS IMPLEMENTATION SCHEME

Comments and questions were raised as follows:

It is good to see a more structured approach to S106 – it will lessen confusion for developers. The scheme has been changed substantially following the consultation process, and this shows we are being reasonable in our demands.

Q: Eye Parish Council is concerned at the pooling of contributions for recreation and amenities. Eye is classified as a key service centre; our facilities will soon be inadequate to serve the local community.

A: We are intending to have local pooling areas, but the scheme states explicitly that wherever possible the money raised through s106 contributions will be spent in the place (or adjoining) where the money was generated.

Q: The document is to be welcomed as it offers clarity, and developers have had the opportunity to be involved in its formation from the early stages. However there is some concern that current market conditions are not covered adequately in the document, for example a reduction in the selling price of houses has a far greater impact on land values. Will the viability of a scheme be considered by the Planning and Environmental Protection Committee when it looks at applications?

A: Viability is a material planning consideration, but will not carry any greater weighting than other considerations.

Q: Affordable housing should be exempt from the scheme – a scheme that is providing affordable housing cannot find money to pay a s106 contribution as the Housing Corporation will not fund it and the landowner could end up with a negative land value. The overall effect could be to delay the provision of affordable housing.

A: The scheme will not be amended to remove the requirement for a contribution where affordable housing is being provided – we need to ensure a level playing field for all developers. Each application will be looked at independently with regards to the amount of affordable housing required. The scheme is explicit in that it will negotiate on all affordable housing schemes. Affordable housing puts a demand on services such as transport and education therefore we need to look at the overall sustainability of a scheme.

C: We need to look at the affordable housing issue in the current context of almost 10,000 people on the housing waiting list.

A: Developers are struggling in the current economic climate; we are more likely to get the affordable housing we need if schemes are viable. The amendments to the amount of affordable housing required have been made because of concern within the industry. It is not mandatory to provide only 25% - if Housing Corporation funds are available and developers wish to provide 35% or more then that will be acceptable. However with private schemes it is better to proceed on the basis of 25% rather than risk making the scheme unviable.

C: A previous draft version of the scheme included financial incentives designed to help in our ambition to become the Environment Capital. These seem to have been dropped from the current scheme, and this is incongruous with our ambitions.

A: We have planning policies in place that address environmental issues.

This page is intentionally left blank

| | |
|------------------|--------------------|
| COUNCIL | AGENDA ITEM No. 10 |
| 10 DECEMBER 2008 | PUBLIC REPORT |

NOTICES OF MOTION

The following notices of motion have been received in accordance with Standing Order 11.1:

1. Motion from Councillor Fower

That this Council:

1. asks the Cabinet Member for Environment to consider the introduction of an innovative scheme whereby the City Council offers households the chance to swap their 240 litre wheelie bin for a smaller 140 litre wheelie bin and in return receive a home composting bin free of charge, in a bid to encourage people within the area to compost their organic material and reduce the amount of waste going into landfill.

2. Motion from Councillor Sandford

That this Council:

1. recognises that the proposed increase in charges for day care services from £2 to £5 will cause distress and hardship to many elderly and vulnerable people in Peterborough;
2. finds an increase in charge of 150% in one year totally unacceptable; and
3. endorses a request made by the Health and Adult Social Care Panel (at its meeting of 25 November 2008) that the Primary Care Trust and the Cabinet Member for Health and Adult Social Care reconsider the proposal and ensure that any increase is more modest and phased in over a much longer period of time.

3. Motion from Councillor Sandford

That the Council:

1. notes that 'Megariders' and other tickets sold by Stagecoach are able to be used on City Council run local link buses, whereas Stagecoach will not allow tickets issued by the Council to be used on its buses;
2. acknowledges that this is a source of annoyance and inconvenience to many bus users in the City; and
3. requests the Chief Executive to write to Stagecoach urging them to co-operate with the City Council in introducing fully integrated ticketing for all bus services in the Peterborough area.

This page is intentionally left blank

| | |
|-------------------------|----------------------|
| COUNCIL | AGENDA ITEM 11 (i) |
| 10 December 2008 | PUBLIC REPORT |

| | | |
|---------------------|---|--|
| Contact Officer(s): | Helen Edwards, Solicitor to the Council David Blackburn, Principal Democratic Services Officer | Tel: 01733 452539 Tel: 01733 452325 |
|---------------------|---|--|

REVIEW OF THE CONSTITUTION

| |
|--|
| R E C O M M E N D A T I O N S |
| FROM : SOLICITOR TO THE COUNCIL |
| <p>That the Council:</p> <ul style="list-style-type: none"> (a) approves and adopts the changes to the Constitution within the report subject to the changes to the Council Procedure Rules being implemented from 1 March, 2009; (b) approves the Mayor's and Deputy Mayor' Allowances; and (c) authorises the Monitoring Officer to make minor textual changes that improve the accuracy and clarity of the Council Procedure Rules and Civic Protocol. |

1. ORIGIN OF REPORT

1.1 This report contains proposed changes to the Constitution for approval by the Council. It is submitted in accordance with the duty of the Monitoring Officer to monitor and review the Constitution as referred to in Article 14 of the Constitution.

2. PURPOSE AND REASON FOR REPORT

2.1 At its meeting on 23 September 2008, the Constitution Review Group agreed that two parts of the Constitution should be reviewed and updated:

1. The Council Procedure Rules; and
2. The Civic Protocol.

All political groups were invited to appoint representatives to serve on two Focus Groups that would examine the existing provisions and develop recommendations that could be submitted to Council. The proposed changes arising from this process are attached at **Appendices A and B**.

2.2 It is recognised that the next scheduled meeting of the Council is the Budget Meeting and that it would be helpful to delay the introduction of the new Council Procedure Rules until after this meeting. Therefore, it is recommended that the changes to these rules should be implemented with effect from 1 March, 2009.

- 2.3 The opportunity has also been taken to conduct a review of the Mayor's and Deputy Mayor's Allowances which have not been altered since 2003. There has been consultation with the Independent Remuneration Panel and the following recommendations are made:
1. The Mayor's Allowance be increased from £2000 to £2400 and the expenses budget be increased from £8000 to £9600;
 2. In addition, a Chairman's Allowance be paid to the Mayor equivalent to the special responsibility allowance paid to the Chairman of a Scrutiny Panel (currently £1712.70);
 3. The Deputy Mayor's Allowance be increased from £1500 to £1800 and the expenses budget be increased from £1500 to £1800; and.
 4. The above amounts should be index lined and increased at the start of each municipal year in accordance with the Local Government Association Daily Rate that is applied to the Council's Members' Allowances Scheme.

- 2.4 A miscellaneous change required elsewhere in the Constitution concerns Part 3, Section 3, Paragraph 3.3.7 (g) (Executive Functions - Delegations exercised by the Leader) This applies to funding for voluntary and not for profit organisations.. Currently, it doesn't explicitly refer to funding for sports related sponsorship for individuals and teams. Therefore, it is proposed to replace the existing wording of paragraph 3.3.7 (g) with the following wording:

'Funding for individuals and/or voluntary and not for profit organisations'.

3. ANTICIPATED OUTCOMES

The proposals for the Council Procedure Rules seek to provide a clearer structure with more flexible arrangements for Council meetings and those relating to the Civic Protocol are generally made to reflect current practices.

4. REASONS FOR RECOMMENDATIONS

- 4.1 It is useful to review the Constitution on a regular basis to ensure that it supports sound corporate governance.
- 4.2 The Council is required to approve any amendments to its Constitution.

5. ALTERNATIVE OPTIONS CONSIDERED

A benchmarking exercise has been undertaken with a number of other Councils to identify best practice. The cross-party Focus Groups considered a number of different options for changes to the Council Procedure Rules and the Civic Protocol before recommendations to the Council.

6. IMPLICATIONS

6.1 Legal

The proposals in this report comply with all legal requirements.

6.2 Financial

The proposals will increase costs by approximately £4,300 per annum. These will be contained within existing overall resources, and factored into future budget calculations.

7. BACKGROUND DOCUMENTS

None

Summary of Changes to the Constitution

Council Procedure Rules

There are significant changes to numbering and the order of provisions in the Council Procedure Rules arising from a relatively small number of changes to procedures. Therefore, the full set of Rules, as amended, are now submitted for approval at Appendix B. The main substantive changes are identified below:

| No | Change | See Rule |
|----|---|------------------------------|
| 1 | Introduction of a presumption that Mayor Making will be a separate event from the Annual Meeting of Council. | 1 (see 1.1) |
| 2 | Provision for the Annual Standards Report and an item on Code of Conduct to be included in the order of business for the Annual Meeting of the Council. | 1 (see 1.1.3) |
| 3 | Reference to introduction of new structure for Council meetings with 4 sections: Communications Time, Community Involvement Time, Executive Business Time and Council Business Time. | 2 (see 2.1) |
| 4 | Provision for changing the order of business to facilitate to efficient and effective conduct of business at the Council meeting. | 2 (see 2.3) |
| 5 | Communications Time is introduced providing opportunities for announcements by the Chief Executive and the Leader. There is a right for Group Leaders to question the Leader's speech. Time limits have been imposed on these provisions. | 9 (see 9.1 and 9.2) |
| 6 | Community Involvement Time is introduced which brings together the existing provisions for Public Questions, Questions from Ward Councillors and to Committee Chairmen, Questions to Police and Fire Authority representatives and Petitions. Time limits have been altered slightly to reflect the amalgamation of these provisions. | 10 (see 10.1 and 10.2) |
| 7 | New arrangement is introduced for the order of questions for each section to be determined by a draw conducted by the Chief Executive. | 11 (see 11.2) |
| 8 | Deadline for <u>all</u> questions (except in case of urgency) to be 5 clear working days before the day of the meeting. | 11 (see 11.3.1) |
| 9 | Guidance for Members is provided on the scope of questions to encourage questions on policy matters. | 11 (see 11.5) |
| 10 | Time limits for supplementary questions (1 Minute) and answers to supplementary questions (2 Minutes) now applied to all types of questions (previously was just Ward issues). | 11 (see 11.8 and 11.9) |
| 11 | Clarification of a Maximum of 2 questions on notice per Member per Council meeting. | 11 (see 11.4) |
| 12 | Executive Business Time is introduced which brings together the existing provisions for questions to the Leader and Cabinet Members on notice and questions without notice regarding the report of executive decisions taken since the last meeting of Council. | 14 (see 14.1, 14.2 and 14.3) |
| 13 | Council Business Time is introduced which maintains together the items for decision by the Council regarding motions on notice, reports of the Cabinet and Committees and reports of the Proper Officer. | 15 (see 15.1) |
| 14 | Provision to vary arrangements regarding time limits on speeches. | 17 (see 17.4.3) |

| No | Change | See Rule |
|----|---|-----------|
| 15 | Interpretation to identify who may alternatively undertake roles prescribed in the Council Procedure Rules for the Chief Executive. | 22 |
| 16 | The Solicitor to the Council be authorised to make minor textual changes to maintain the accuracy of the Council Procedure Rules. | All rules |

Civic Protocol

There are fewer changes to the Civic Protocol so they are recorded in the table below without appending the full protocol:

| No | Change | Paragraph (Civic Protocol) |
|----|---|----------------------------|
| 1 | <u>Formal Address and Orders of Precedence</u> | 9 |
| | Insert wording: "The Chief Constable will normally lead processions and.." (continue with existing text). | 9.4 |
| 2 | <u>The Council's Programme of Civic Events</u> (addition of Mayor Making) | 10 |
| | Insert wording: "Mayor Making and Past Mayor's Dinner", "May" and "City Council" in the table of civic events. | 10.1 |
| | Insert wording at end of paragraph: "There is an expectation that all Members of the Council will support the Past Mayor's Dinner and, if unable to attend, will make a financial contribution to the event." | 10.1 |
| 3 | <u>Civic Gifts</u> | 13 |
| | Delete wording: "Possibly a Peterborough wooden shield or paperweight". Combine rows in table for "Ambassadors and other visiting dignitaries representing a city elsewhere" and "Gifts taken to the City Council's twinned and friendship cities during official visits" so that gifts of a similar value are given at both types of event. | 13.3 |
| 4 | <u>European and Overseas Links</u> | 14 |
| | Amend references to all "friendship towns" so that they are not listed individually and are referred to as a group and called 'Friendship Links'. Line 3 after "has" insert "a number of" and delete all words from "with" to "Lincolnshire" inclusive. | 14.1 |
| | All friendship links in paragraph 14.2 will be deleted as this paragraph relates to civic visits. Delete line 5 beginning with words "... or a friendship link country" | 14.2 |
| | Add wording after twinning/international links funding: ".and/or civic budget if there is insufficient funding available within twinning/international links budgets." | 14.2 |
| | Add wording at the end of the paragraph "Whilst the Council will seek to provide financial support to the Mayor in accepting one | 14.2 |

| | | |
|----|---|--------------------------------------|
| | invitation a year, the Mayor may accept other invitations if they incur the costs personally and not through the civic budget.” | |
| | Change wording at line 4 of paragraph 14.2 to identify that invitations are received from a twinned town (not a twinned country). Delete at line 4 the word “either” and the words “twinned country” and insert “twinned town”. | 14.2 |
| | To clarify who can accept a civic/partnership invitation as the Mayor’s representative, reference should be made to paragraph 3.7. Insert a new paragraph 14.3 as follows: “In the event that the Mayor is unable to attend reference should be made to Part 3 – The Mayor’s Civic Role, paragraph 3.7”. | 14.3 |
| | Amend paragraph 14.3 to 14.4. | 14.4 |
| No | Change | Paragraph (Civic Protocol) |
| 5 | <u>Mayor’s and Deputy Mayor’s Allowances</u> | 17 |
| | Add wording to implement the decision of Council regarding the allowances payable. | 17.1 |
| 6 | <u>Administration and Funding of the Mayoralty and the Civic Service</u> | 18 |
| | All references to Mayor’s Attendant, Mayor’s Chauffeur and Town Hall Beadles to be standardised as “Mayor’s Attendant” and other consequential minor textual changes be made. | 18.1 – 18.9 |
| 7 | <u>Responsibility for Functions</u> | Part 3 of the Constitution |
| | That the Commercial Services Director be authorised: “To replace the civic vehicle every 5 years, or at a shorter interval should this be the most cost effective option for the Council”. | |
| | Add text to refer to the above delegation and that the following guidelines are to be applied in replacing the civic vehicle: “To procure: | 18.4 |
| | <ol style="list-style-type: none"> 1. a vehicle commensurate with the status of the First Citizen; 2. a vehicle at the lower end of the emissions scale for cars of that type; 3. if possible, to select a vehicle which is generally regarded as British, or with British connections; and 4. any extra features relevant to the position and status of the Mayoral car as appropriate.” | |
| 8 | <u>Minor Textual Changes</u> | All paragraphs of the Civic Protocol |
| | The Solicitor to the Council be authorised to make minor textual changes to maintain the accuracy of the Civic Protocol. | |

This page is intentionally left blank



APPENDIX B

Part 4 – Council Rules of Procedure

Section 1 The Council's Rules of Procedure

PART 1 – PROVISIONS REGARDING THE MAYOR AND MEETINGS (RULES 1 TO 8)

1. MAYOR MAKING AND ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

1.1.1 Mayor Making and the Annual Meeting of the Council shall take place at such time as the Council shall determine.

1.1.2 The Mayor Making will:

- (a) elect a person to preside if the Mayor is not present;
- (b) receive apologies for absence;
- (c) elect the Mayor; and
- (d) elect the Deputy Mayor;

1.1.3 The Annual Meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) receive apologies for absence;
- (c) receive declarations of interest;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor and the Chief Executive;
- (f) receive the Code and General Principles of Conduct;
- (g) receive the annual report of the Standards Committee;
- (h) elect the Leader;
- (i) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate;
- (j) agree the Council's Delegations Document;
- (k) consider any business previously agreed by Council set out in the Notice convening the meeting; and
- (l) amend the Constitution where necessary.

1.1.4 At the discretion of the Council, the Mayor Making and Annual Meeting will be held as separate meetings.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council Meeting will:

- (a) decide which Committees to establish;
- (b) decide the size and terms of reference for those Committees (except the Cabinet);
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of Members to serve on each Committee and outside body; and
- (e) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council.

2. ORDINARY MEETINGS

- 2.1 Except as provided in paragraphs 2.2 and 2.3 below, the order of business at every meeting (apart from Mayor Making and the Annual meeting) will be as follows:
- (a) choose a Member to chair the meeting if the Mayor and Deputy Mayor are absent;
 - (b) receive apologies for absence;
 - (c) receive declarations of interest;
 - (d) conduct any business which must, by law, be dealt with;
 - (e) approve minutes of the previous meeting;
 - (f) hold “communications time” comprising announcements by the Mayor, the Chief Executive and the Leader of the Council (and Members of the Cabinet);
 - (g) conduct any business left over from the previous meeting;
 - (h) hold “community involvement time” comprising questions from the public; questions from ward councillors and questions to Committee Chairmen; questions to representatives of the Police and Fire Authorities and the receipt of petitions.
 - (i) hold “executive business time” comprising questions to the Leader and Cabinet Members and a report of all Executive decisions taken since the last meeting of Council with the opportunity for questions from Members; and
 - (j) hold “Council business time” comprising notices of motion; recommendations of the Executive and of any Committee; reports and recommendations of the Proper Officer and any other business which needs to be transacted by the Council.
- 2.2 At ordinary meetings, the Council will only deal with business that is set out within the summons, unless the Mayor decides that a matter is urgent. In the case of urgent business, the Mayor shall announce at the beginning of the meeting after apologies have been announced that an extra item is to be placed before the Council and will explain why the matter is so urgent. The reasons will be recorded in the minutes of the meeting.
- 2.3 The Chief Executive may vary the above order of business in the summons for the meeting with the approval of the Mayor where this will facilitate the effective conduct of the business to be transacted at the meeting.
- 2.4 The order of business set out in paragraph 2.1 above may be changed at the start of the meeting:
- (a) by the Mayor with the Council’s permission; or
 - (b) by resolution passed by the Council. The motion will be put without discussion, and does not have to be in writing.
- 2.5 Nothing in these rules of procedure will prevent prayers before any Council meeting.

3. EXTRAORDINARY MEETINGS

Those listed below may request the Chief Executive to call Extraordinary Council meetings in addition to Ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor at any time;

- (c) in the absence of the Mayor or if the Mayor is unable to act for any reason, the Deputy Mayor;
- (d) the Monitoring Officer; and
- (e) if five Members of the Council ask the Mayor to call an Extraordinary meeting of the Council and the Mayor refuses to call a meeting or does not call one within seven days of receiving the request then the five Members of the Council can call the Extraordinary meeting.

Any request to the Mayor to call an Extraordinary meeting of the Council must be made in writing and delivered to the Chief Executive.

4. THE MAYOR AND DEPUTY MAYOR

- 4.1 The Mayor will be appointed at Mayor Making and the Deputy Mayor will be appointed immediately following the appointment of the Mayor.
- 4.2 If both the Mayor and the Deputy Mayor are absent from a meeting, the Council must choose a Member of the Council to chair the meeting.
- 4.3 The Member chairing the meeting can use the Mayor's powers and carry out his or her duties. This includes the right to exercise a second (and casting) vote.
- 4.4 When the Deputy Mayor takes any action under any legal provisions or the rules of procedure, the Mayor must inform the Council why he or she is unwilling or unable to take action.
- 4.5 Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of Committees and Sub-Committees.

5. PRIVATE MEETING TO CHOOSE A MAYOR

The Chief Executive will invite Members to hold a private meeting each year. The meeting should be held at least two months before the Council's Mayor Making. The Chief Executive will give at least seven days notice of the private meeting. However, the notice will not be published and the proceedings will not have any legal effect.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give a statutory notice to the public of the time and place of the Council meetings. The Chief Executive will send a summons to every Member of the Council of the date, time and place of the meeting. The summons will also specify the business to be transacted, and will be accompanied by the relevant reports.

7. QUORUM

- 7.1 The Council's quorum will be one quarter of all its Members.
- 7.2 If, during any meeting, there is not a quorum present, the meeting will be declared postponed by the Mayor.
- 7.3 If a meeting is postponed, the Mayor may decide to arrange an Extraordinary meeting to deal with the unfinished business which should have been included in the meeting.

If the Mayor does not set a date, the unfinished business will be dealt with it at the next Ordinary meeting of the Council.

8. DURATION OF MEETING AND THE GUILLOTINE

8.1 Guillotine

Where four hours have elapsed after the commencement of any Council meeting (and in the case of an Extraordinary meeting when two hours have elapsed since commencement of the meeting) the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. Any Member speaking must immediately sit down. The vote will be taken without further discussion.

8.2 Motions and recommendations not dealt with

If there are other motions and recommendations on the agenda that have not been dealt with at the end of the four hour period (or two hour period in the case of an Extraordinary meeting) they are deemed to be formally moved and seconded. No speeches will be allowed on these items and the vote will be taken in the usual way.

8.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

8.4 Motions which may be moved

During the process set out in paragraphs 8.1 to 8.3 above the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report. Such motions must be moved and seconded and the vote will then be taken in the usual way without further discussion. A mover of motion under this provision will have the right to explain the purpose of the motion in a speech of up to 2 minutes. No debate will be allowed.

8.5 Suspension of the Guillotine

Where the Council believes that a specific extension of time is warranted it can suspend paragraph 8.1 above. However, no motion to suspend this rule to extend the meeting shall be permitted after this rule has taken effect.

8.6 Close of the Meeting

When all motions and recommendations have been dealt with the Mayor will declare the meeting closed.

PART 2 – PROVISIONS REGARDING THE FORMAT OF THE MEETING AND QUESTIONS (RULES 9 TO 16)

9. COMMUNICATIONS

9.1 Mayor's and Chief Executive's Announcements

Part of the order of business shall be designated for communications. The Mayor and the Chief Executive shall have the opportunity to make announcements. The time limit for announcements by the Chief Executive shall be 5 minutes.

9.2 Leader's Announcements

9.2.1 The Leader of the Council (and/or Member(s) of the Cabinet as determined by the Leader) shall have up to 5 minutes in total to provide a report on the current and future business of the Council which the Leader believes should be brought to the attention of Members of the Council.

9.2.2 The Leaders of the respective Opposition Groups shall have up to 5 minutes to ask brief questions on any matter raised within the Leader's report. There shall be no right to ask supplementary questions relating to issues raised during this part of the meeting.

10. COMMUNITY INVOLVEMENT

10.1 General

Part of the order of business shall be designated for community involvement. During this part of the meeting there shall be provision for:

1. questions from the public;
2. questions from ward councillors and to Chairmen of Committees;
3. questions to representatives of the Police and Fire Authorities; and
4. the receipt of petitions.

10.2 Procedure

The questions during this part of the meeting shall be dealt with in accordance with the general provisions on questions at rule 11 and the petitions shall be dealt with in accordance with the provisions at rule 12.

11. GENERAL PROVISIONS ON QUESTIONS

11.1 General

Members of the Council and the public may ask questions at ordinary meetings of the Council by giving appropriate notice under this the following paragraphs.

11.2 Order of questions

The order in which questions shall be presented to the meeting shall be determined by a draw for each section of the meeting. The draws shall be conducted by the Chief Executive (or senior officer appointed for this purpose). The draws may be attended by

any Member of the Council by prior notice delivered in writing to the Chief Executive before the deadline for submission of questions..

11.3 Notice of questions

11.3.1 A question may only be asked if notice has been given by delivering it in writing, by facsimile transmission or by electronic mail to the Chief Executive **not later than 12 noon, five working days before the day of the Council meeting (not including the day of the meeting itself)**. Each question must give the name and address of the questioner and must name or clearly identify the Member to whom it is to be put.

11.3.2 If the Mayor decides that a matter is urgent he or she can ask the Leader or Cabinet Member a question without giving notice provided a copy of the question is delivered to the Chief Executive not later than 12 noon on the day of the meeting. In such circumstances, the Mayor shall have discretion as to the order in which it is presented to the meeting notwithstanding the draw undertaken by the Chief Executive at paragraph 11.2 above.

11.4 Number of questions

No person may submit more than two questions in total to a Council meeting and no more than two such questions may be asked on behalf of one organisation.

11.5 Scope of questions

11.5.1 As a matter of general principle, Members of the Council shall submit questions on matters of policy rather than seeking factual information that could be obtained outside the Council meeting.

11.5.2 If the Chief Executive feels that a question under Rule 11 is:-

- (a) not about a matter for which the Council (or relevant authority) has a responsibility or which affects the City;
- (b) illegal, improper, irregular, frivolous or offensive;
- (c) substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information;

she/he shall inform the Mayor who will then decide whether or not to allow the question to be put. If the Mayor decides not to allow a question his or her reasons will be recorded in the minutes of the meeting and will not be open to debate. If the Mayor decides to allow the question the Chief Executive shall inform the appropriate Member that she/he thought the question should not have been put.

11.6 Record of questions

11.6.1 The Chief Executive can edit any question provided the person asking the question is consulted about any alteration. The Solicitor to the Council will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put.

11.6.2 Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

11.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

11.8 Supplementary question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and be directed to clarifying the reply. The Mayor may reject a supplementary question on any of the grounds in paragraph 11.5.2 above. One minute is allowed for putting a supplementary question.

11.9 Answers

11.9.1 An answer can take any of the following forms:

- (a) a direct oral answer;
- (b) a reference to one of the Council's publications if it answers the question;
- (c) if it would not be practicable or appropriate to answer a question orally the Member will supply a written answer to the questioner and group secretaries within 7 days.

11.9.2 The person asked the question may refuse to answer but must give his or her reasons for doing so. Two minutes are allowed for answering a supplementary question.

11.9.3 Any Member speaking at the expiry of this period shall be allowed to finish their question or answer. Any questions not fully answered at the end of the allotted period will be answered in writing within 7 days.

11.9.4 Unless the Mayor decides otherwise, no discussion shall take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

11.10 Records of Questions and Answers

A summary of the key points of questions asked on notice and replies given will be produced after each Council meeting as an annex to the Minutes.

12. SPECIFIC PROVISIONS ON QUESTIONS ON NOTICE

12.1 Questions relating to Ward Matters and to Committee Chairmen

Subject to Rule 11.4, a Member may ask one question of a Cabinet Member or Chairman of a Committee relating to a matter relevant to his or her ward or to a Committee Chairman on the business of the Committee. A total of 10 minutes shall be allowed for this part of the meeting.

12.2 Questions of Police and Fire Authority Representatives

Subject to Rule 11.4, a Member may ask one question of any designated representative of the Police and/or Fire Authorities any question about how the Authority which they represent carried out any of its functions. A total of 10 minutes shall be allowed for this part of the meeting. As background information for these questions, either a written report from either or both of the Police or Fire Authorities or their minutes where either Authority is not submitting a written report, may be circulated with the Council agenda but will not be debated except by means of questions given on notice.

12.3 Questions of the Leader and Members of the Executive

Subject to Rule 11.4, a Member may ask up to two questions of the Leader and/or any members of the Executive. A total of 20 minutes shall be allowed for this part of the meeting.

(Note: Rule 11.4 prescribes that a Member may ask no more than a total of 2 questions on notice at a meeting)

13. PETITIONS

13.1 Members and residents can present petitions.

13.2 Every petition must be polite and must be relevant to the Council or a matter which affects Peterborough.

13.3 If a Member is presenting a petition, he or she must say what it is about without commenting. The Solicitor to the Council will refer it to the Executive or appropriate Committee for consideration.

13.4 Petitions from residents must contain at least 25 signatures. If a resident wants to present a petition, **the Chief Executive must receive written notice and the wording of the petition no later than 4 pm on the day before the meeting.** No more than two residents must present the petition and say what it is about, without commenting. The Solicitor to the Council will refer it to the Executive or the Committee.

13.5 There will be no debate about a petition when it is presented.

13.6 A report to Cabinet about the action taken on the petition will be made no later than the second Ordinary meeting of the Council following the meeting when the petition was presented.

14. EXECUTIVE BUSINESS TIME

14.1 General

Part of the order of business shall be designated for the business of the Executive which shall comprise:

1. Questions to the Leader and Cabinet Members; and

2. A report of all Executive decisions taken since the last meeting of Council and an opportunity for all members of the Council to ask questions without notice concerning those decisions.

14.2 Questions with Notice

A total of 20 minutes shall be allowed for questions on notice to the Leader and Cabinet Members. The provisions set out at paragraphs 11.7 to 11.9 shall apply to questions and answers. One minute is allowed for putting supplementary questions and 2 minutes are allowed for answers to supplementary questions.

14.3 Questions without Notice by Members on Reports of the Executive

- 14.3.1 The time allowed for discussion of reports of all of the Executive's decisions shall be limited to 40 minutes from the time the report is moved unless the Mayor agrees to extend this period. Once this period has elapsed debate on the report shall cease immediately. Subject to the rulings of the Mayor, there shall be no time limits applied to the length of questions and answers during this part of the meeting.
- 14.3.2 Once the report has been moved and seconded, the Mayor will call each page of the report in turn. A Member may ask the Leader any question without notice upon an item of the report of the Cabinet when that item is being received or under consideration by the Council. The Leader must answer each question immediately. The Leader may ask any Member to answer on his or her behalf where appropriate. The Mayor can rule out questions for being repetitive or for some other reason stating his or her reasons for doing so. Preambles to a question should be avoided, and the Mayor may prevent what he or she believes to be an unreasonable preamble to a question or supplementary question and require the question to be put immediately.

15. COUNCIL BUSINESS TIME

15.1 General

Part of the order of business shall be designated for discharging Council functions which shall comprise:

1. Motions on Notice (See Rule 15);
2. Recommendations of the Executive and of any Committee reports (See Rule 20);
3. Recommendations of the Proper Officer (See Rule 20); and
4. Any other business which needs to be transacted by the Council.

15.2 Motions on Notice

- 15.2.1 Except for motions which can be moved without notice under rule 16 below, written notice of every motion, signed by the Member giving the notice, **must be delivered to the Chief Executive not later than 10.00 am on the sixth working day before the date of the meeting not including the day of the meeting.** The notice may also be given by facsimile transmission or electronic mail to the designated e-mail account in Democratic Services. The Chief Executive will date the motion, number it in the order in which it is received and enter it in a book which every Member can inspect. Where a Member wishes to give notice of motion by way of electronic mail the notice need not be signed.

- 15.2.2 In the summons for every meeting, the Chief Executive will set out all motions in the order the Council received them, unless when the Member gave the notice, they said, in writing, that they plan to move it at some later meeting, or they have since withdrawn it in writing.
- 15.2.3 Every motion must be relevant to the Council or a matter which affects Peterborough.
- 15.2.4 If a motion set out in the summons is not moved (either by the Member who gave notice or by another Member on their behalf), it will be treated as though it has been withdrawn and it will not be moved without fresh notice, unless the Council gives permission for it to be postponed.
- 15.2.5 Every motion proposed under paragraph 15.2.1 above must be formally proposed and seconded.
- 15.2.6 If notice is given of any original motion which the Chief Executive feels is illegal, irregular or improper or would have the effect of the Council exercising an Executive function within the current Budget and Policy Framework, he or she will inform the Mayor who will decide whether to accept the motion and place it on the agenda. If the Mayor decides not to accept the motion, the Chief Executive will tell the Member who gave the notice.

16. MOTIONS AND AMENDMENTS WHICH CAN BE MOVED WITHOUT NOTICE

- 16.1 The following motions may be moved without notice:
- (a) to appoint a Chairman of the meeting at which the motion is moved;
 - (b) to reflect the accuracy of the Minutes;
 - (c) to change the order of business in the agenda;
 - (d) to refer something to an appropriate body or individual;
 - (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
 - (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
 - (g) to withdraw a motion;
 - (h) to amend a motion;
 - (i) to extend time limits for speeches;
 - (j) to proceed to the next item within the report;
 - (k) to proceed to the next agenda item;
 - (l) to move that the question be now put;
 - (m) to adjourn a debate;
 - (n) to adjourn a meeting;
 - (o) to move that the meeting continue beyond 4 hours in duration (2 hours in the case of Extraordinary meetings)
 - (p) to suspend a particular Procedure Rule (Standing Order);
 - (q) to exclude the public and press in accordance with the Access to Information Rules;
 - (r) to not hear further a Member named or to exclude them from the meeting; and
 - (s) to give the consent of the Council where its consent is required by this Constitution.

PART 3 – RULES OF DEBATE AND REPORTS FOR DECISION (RULES 17 – 22)

17. RULES OF DEBATE FOR COUNCIL MEETINGS

17.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

17.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him or her before it is discussed.

17.3 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate as long as the debate has not been closed under paragraph 17.11 below.

17.4 Content and length of speeches

17.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. A speech by the mover of a motion will not be longer than 5 minutes. Any other speech will not be longer than 3 minutes. The Mayor can give permission for a speaker to speak for an extra period.

17.4.2 Paragraph 17.4.1 above shall not apply to a debate on the Budget at the Annual Budget meeting, or at such other special Budget Council meeting convened in accordance with paragraph 3.1 above, where speeches shall not be subject to any time limit.

17.4.3 Paragraph 17.4.1 may also be varied by the Mayor upon advice from the Chief Executive if different arrangements would facilitate more effectively the conduct of business.

17.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);
- (d) to exercise of a right of reply;
- (e) to speak on a point of order or giving information;
- (f) by way of personal explanation; or
- (g) to ask the appropriate Member a specific question.

17.6 Amendments to motions

17.6.1 An amendment to a motion must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert others; or
- (d) to insert words.

as long as the effect of (a) to (d) above is not to negate or cancel the motion if this could be otherwise achieved by voting against the motion.

17.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on.

17.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

17.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

17.6.5 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

17.7 Alteration of motion

17.7.1 A Member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

17.7.2 A Member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

17.7.3 Only alterations which could be made as an amendment may be made.

17.8 Withdrawal of motion

A Member may in writing withdraw a motion which he or she has moved without consent at any time before the meeting, or alternatively with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

17.9 Right of reply

17.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

17.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

17.9.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

17.9.4 Any Member who is replying under this paragraph 13.9 or paragraph 13.11 below must only answer previous speakers. They must not introduce any new matters into debate.

17.9.5 When the right to reply has been taken we will put the motion or amendment to the vote.

17.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to proceed to the vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continues beyond the guillotine;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a Member named under Section 3 paragraph 6.3 above or to exclude them from the meeting under Section 3 paragraph 6.4 above; and
- (j) that a specific standing order be suspended.

17.11 Closure motions

17.11.1 A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) to proceed to the next item within the report;
- (b) to proceed to the next agenda item;
- (c) to proceed to the vote;
- (d) to adjourn a debate; or
- (e) to adjourn a meeting.

17.11.2 If a motion under either paragraph 17.11.1 (a), (b) or (c) above is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then proceed to the vote.

17.11.3 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

17.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the Rules of Procedure (Standing Orders) or the law. The Member must indicate the rule or law and the way in which he or she considers it has been broken.

17.13 Point of information

When giving a point of information a Member must briefly give information to correct an alleged inaccuracy in a speech about the matter.

17.14 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

17.15 Mayor's Ruling

The Mayor's ruling on a point of order, point of information or personal explanation will be final and will not be open to discussion.

18. PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless the notice of motion is signed by at least 12 Members. Once Council has determined the motion or amendment no Member can propose a motion or amendment to cancel it for at least 6 months.

18.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once Council has determined the motion or amendment, no Member can propose a similar motion or amendment for at least 6 months.

19. MINUTES

19.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next ordinary meeting of the Council. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

19.2 Form of minutes

Minutes will contain all motions and amendments in the order the Mayor put them.

20. RECEPTION OF REPORTS OF THE CABINET AND COMMITTEES

20.1 When a report of the Executive, a Committee or Sub-Committee reporting directly to the Council is called for consideration, the procedure is as follows.

- (a) The Leader, Chairman or Vice-Chairman will present and move a motion. If they are not at the meeting, another Member of the Executive or the Committee will do this;

- (b) The mover of the report will move 'that the report of the Executive/Committee be received and adopted by the Council'. In doing so, they will be considered to have moved each recommendation in the report when the Mayor calls the page, unless the mover has withdrawn the item or has announced that he or she disagrees with it;
 - (c) No seconder is needed for moving that a report or a recommendation is received.
 - (d) Before moving that the report is received, the moving Member can say that they do not move the report or any recommendation it contains because they disagree with it. If this happens, another Member of the Executive or Committee can move the report or recommendation; and
 - (e) After moving that the report is received, the Member, (subject to Council's consent) can:
 - (i) Withdraw any paragraph containing a recommendation. If this happens, Council will deal with the recommendation as an item of business at its next Ordinary meeting. If the matter is urgent, Council will call an Extraordinary meeting; or
 - (ii) Provide more information about any item in the report. If the extra information relates to financial matters, it must be given in a written report.
- 20.2 Once the Member has moved that the report is received, the Mayor will call each page of the report in turn, and any Member can do the following.
- (a) Ask any question on a paragraph of the report in line with paragraph 11 above;
 - (b) When Council is considering a recommendation, move an amendment to that recommendation; or
 - (c) When Council is considering a recommendation, move that the Committee should consider the matter again. This motion will overrule any amendment under paragraph 20.2(b) above.
- 20.3 A Member who has moved or seconded a motion under paragraph 20.2(c) above of this rule which has been lost will be allowed to move or second an amendment on the recommendation as long as they have not already spoken on the recommendation.
- 20.4 Where an amendment is moved under paragraph 20.2(c) above, the rules of debate under rule 17 above will be suspended and the following procedure will apply:
- (a) the mover may speak for up to 5 minutes;
 - (b) one speech not more than 5 minutes long can be made in reply;
 - (c) the seconder may speak for up to 3 minutes; and
 - (d) a second reply not more than 3 minutes long can be made.

No other debate will be allowed and no other amendment will be in order.

- 20.5 The time allowed for discussion of reports containing recommendations or matters to be determined from the Executive or a Committee which require a decision of Council shall not be limited.

21. STATE OF PETERBOROUGH DEBATE

21.1 Calling of debate

The Leader may call a state of Peterborough debate annually on a date and in a form to be agreed with the Mayor.

21.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of Peterborough debate.

21.3 Chairing of debate

The debate will be chaired by the Mayor.

21.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

22. INTERPRETATION

General

All functions in the above rules that are identified as being the responsibility of the Chief Executive may be exercised on her/his behalf by the Monitoring Officer, Head of Legal Services or Principal Democratic Services Officer.

This page is intentionally left blank

| | |
|-------------------------|----------------------|
| COUNCIL | AGENDA ITEM 11 (ii) |
| 10 DECEMBER 2008 | PUBLIC REPORT |

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

APPOINTMENT OF VICE CHAIR: SCRUTINY COMMITTEE

| |
|--|
| R E C O M M E N D A T I O N S |
| That Council: |
| 1. Appoints a Vice Chairman to the Scrutiny Committee. |

1. PURPOSE OF REPORT

The purpose of this report is to ask the Council to appoint a Vice Chairman to the Scrutiny Committee.

2. APPOINTMENT OF VICE CHAIRMAN

- 21. Councillor Janet Goodwin has resigned her position as Vice Chairman of Scrutiny Committee, however she will continue as member of the committee. It has therefore become necessary to appoint a new Vice Chairman.
- 2.2 There is no change to the political balance and proportionality of the Council's committees due to the resignation of the current Vice Chairman.

3. REASONS FOR RECOMMENDATION

- 3.1 It is a requirement that Council appoints Chairman and Vice Chairman to all of its committees and panels.

4. BACKGROUND DOCUMENTS

Peterborough City Council's Constitutional document.

This page is intentionally left blank

| | |
|-------------------------|----------------------|
| COUNCIL | AGENDA ITEM 11 (iii) |
| 10 DECEMBER 2008 | PUBLIC REPORT |

| | | |
|---------------------|--|--|
| Contact Officer(s): | Gillian Beasley, Chief Executive and Returning Officer Sally Crawford, Electoral Services Officer | Tel: 01733 452300 Tel: 01733 452339 |
|---------------------|--|--|

HAMPTON VALE AND HAMPTON HARGATE COMMUNITY GOVERNANCE REVIEW

| |
|---|
| R E C O M M E N D A T I O N S |
| FROM: SOLICITOR TO THE COUNCIL |
| That Council: |
| <ol style="list-style-type: none"> 1. approves the terms of reference set out in Appendix A to this report for the purpose of carrying out a community governance review of Hampton Hargate and Hampton Vale; and 2. agrees to establish a Governance Arrangements Committee comprising 3 members in accordance with the political balance rules for the purpose of carrying out its statutory functions in relation to community governance reviews under the Local Government and Public Involvement in Health Act 2007. |

1. PURPOSE OF REPORT

- 1.1 The report seeks Council's approval of recommendations to implement community governance arrangements.

2. BACKGROUND

- 2.1 A community governance review is a review of the whole or part of the Council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements of parishes and grouping arrangements for parishes. Under the Local Government and Public Involvement in Health Act 2007 (hereafter referred to as "the Act"), local authorities have a statutory duty to undertake such reviews.
- 2.2 In addition to the statutory provisions, the review should have regard to government guidance and comply with the terms of reference adopted by the Council in accordance with Section 81 of the Act. The terms of reference must specify the area subject to review and be published as soon as practicable after the Council has adopted them. The Council must commence the review when the terms of reference are published.
- 2.3 There are provisions for community governance petitions and such petitions must meet the conditions laid out in Section 80 of the Act. Petitions must be signed by a specified percentage of electors. Once a petition has been received the Council must conduct a community governance review which allows the petition to be considered.

3. HAMPTON HARGATE & HAMPTON VALE

Under Section 7 of the Local Government and Rating Act 1997, a petition was submitted to Peterborough City Council containing signatures exceeding 10% of local government electors of Hampton Hargate and Hampton Vale (in accordance with Section 80 of the LG & PIHA 2007). The petition requested the formation of a local government parish council for the neighbourhood of Hampton Hargate and Hampton Vale. This petition has been verified using the electoral register.

The proposed timetable for the community governance review is as follows:

| | | |
|-----|---|--|
| 1. | Petition verified | November 2008 |
| 2. | Terms of reference to be approved and published by Council | December 2008 |
| 3. | Approved terms of reference (Terms of Reference) to be published along with timetable for review. | January 2009 |
| 4. | 12 month review begins. | On the date of publication of the terms of reference |
| 5. | Submissions to be invited | January/February 2009 |
| 6. | Draft proposals to be prepared | March/April 2009 |
| 7. | Consultation on draft proposals | May – August 2009 |
| 8. | Final proposals to be prepared | September/October 2009 |
| 9. | Final proposals to be prepared and approved by Council | December 2009 |
| 10. | Council publishes Decision | December 2009 |
| 11. | Council makes Reorganisation Order | Thereafter |

Terms of reference have been drafted for the community governance review and are attached at **Appendix A** for approval.

4. GOVERNANCE ARRANGEMENTS COMMITTEE

- 4.1 The Council is permitted by statute and its Constitution to appoint committees to carry out its functions. It is recommended that Council agrees to establish a committee to carry out community governance reviews. Seats on Council committees and other bodies to which section 15 of the Local Government and Housing Act 1989 apply should be allocated proportionally according to the proportion of seats held by each political group on the Council as a whole unless Council agreed to exempt the proposed committee from political balance requirements (under Section 17 of the Local Government and Housing Act 1989) subject to no member of the Council objecting to this exemption. In accordance with the table set out at **Appendix B**, this committee if politically balanced would comprise 2 (Con); 1 (PIF); 0 (LD) and 0 (Lab) members.
- 4.2 In order to maintain perceptions of the impartiality of the Committee, it is recommended that Ward councillors should not be members of the committee. However, it is proposed that the relevant ward councillors will be invited to attend meetings of the committee to ensure that they are consulted and kept informed throughout the review process.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 To propose a full governance review of the city of Peterborough. This is not considered to be appropriate at this stage due to the continued growth of the city.
- 5.2 To allocate the review to the Community Development Scrutiny Panel. However, it is considered that a Committee dedicated to the task of undertaking the review would be more appropriate.

6. LEGAL IMPLICATIONS

- 6.1 These are contained within the body of the report.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of carrying out these reviews is at present unknown but is expected to be met from existing budgets. Council has a statutory obligation to carry out community governance reviews. There is no funding available from central government.

8. REASONS FOR RECOMMENDATIONS

- 8.1 The recommendations fulfil the Council's statutory responsibilities and identify a robust process for carrying out community governance reviews.

9. BACKGROUND DOCUMENTS

- 9.1 Local Government and Housing Act 1989
Local Government & Public Involvement in Health Act 2007

GOVERNANCE ARRANGMENTS COMMITTEE

Terms of Reference

1. To carry out the Council's statutory functions in relation to Community Governance Reviews under the Local Government & Public Involvement in Health Act 2007.
2. Reviews will be conducted in accordance with Part 4 of the Local Government & Public Involvement in Health Act 2007.
3. To undertake a community governance review of Hampton Hargate and Hampton Vale following receipt of a petition from more than 10% of local government electors residing in the said area to constitute a local government parish council for the neighbourhood of Hampton Hargate and Hampton Vale.

APPENDIX B

| PARTY | | Cons. | P.I.F. | Lib Dem | Labour | TOTAL |
|----------------------------|----------------------|--------------|---------------|----------------|---------------|---------------|
| No. elected | | 43 | 9 | 3 | 2 | 57 |
| Proportionality % | | 75.44 | 15.79 | 5.26 | 3.51 | 100.00 |
| Proportional Seats: | | 61.86 | 12.95 | 4.32 | 2.88 | 82 |
| Committees: | No. of seats: | | | | | |
| Scrutiny | 10 | 8 | 1 | 1 | | 10 |
| Health & Ad | 7 | 5 | 1 | 1 | | 7 |
| Children & LL | 7 | 5 | 1 | | 1 | 7 |
| Environment | 7 | 6 | 1 | | | 7 |
| Comm. Dev | 7 | 6 | 1 | | | 7 |
| Bus. Efficiency | 7 | 5 | 1 | 1 | | 7 |
| Audit | 7 | 5 | 1 | | 1 | 7 |
| Planning | 10 | 8 | 2 | | | 10 |
| Licensing | 10 | 7 | 2 | | 1 | 10 |
| Employment | 7 | 5 | 1 | 1 | | 7 |
| Governance | 3 | | | | | |
| TOTAL | 82 | 60 | 12 | 4 | 3 | 79 |
| Variance | | -2 | -1 | 0 | 0 | -3 |

Outside proportional bodies (not to be included in above table):

| | | | | | | |
|---------------------|----------|------|------|------|------|----------|
| Proportional seats: | | 1.51 | 0.32 | 0.11 | 0.07 | 2 |
| Police Authority | | | | | | |
| Joint Committee | 2 | 2 | | | | 2 |
| Proportional seats: | | 2.47 | 0.63 | 0.21 | 0.14 | 3 |
| Fire Authority | 4 | 3 | 1 | | | 4 |

Other Committees - NOT politically balanced:

| | | | | | | |
|---|-----------|---|---|---|---|--|
| Standards | 5 | 2 | 1 | 1 | 1 | |
| Licensing Act 2003 | 10 | 7 | 1 | 1 | 1 | |
| Employ. Sub. Cttee | 3 | 2 | Max. 1 selected from Employment Cttee or trained member | | | |
| Appeals Serv. Iss. (to be selected from pool of trained members) | 3 | 2 | Max. 1 selected from trained pool | | | |
| Diversity Wkg Grp | 3 | | to be agreed cross party | | | |

| PARTY | | Cons. | P.I.F. | Lib Dem | Labour | TOTAL | Adjusted |
|----------------------------|---------------|--------------|---------------|----------------|---------------|---------------|-----------------|
| No. elected | | 43 | 9 | 3 | 2 | 57 | 57 |
| Proportionality % | | 75.44 | 15.79 | 5.26 | 3.51 | 100.00 | |
| Proportional Seats: | | 22.63 | 4.74 | 1.58 | 1.05 | 30 | |
| Committees: | No. of seats: | | | | | | |
| Scrutiny | 10 | | | | | 0 | |
| Health & Ad | | | | | | 0 | |
| Children & LL | | | | | | 0 | |
| Environment | | | | | | 0 | |
| Comm. Dev | | | | | | 0 | |
| Bus. Efficiency | | | | | | 0 | |
| Audit | | | | | | 0 | |
| Planning | 10 | | | | | 0 | |
| Licensing | 10 | | | | | 0 | |
| Employment | | | | | | 0 | |
| TOTAL | 30 | 0 | 0 | 0 | 0 | 0 | |
| Variance | | -23 | -5 | -2 | -1 | -30 | |

| PARTY | | Cons. | P.I.F | Lib Dem | Labour | TOTAL |
|----------------------------|---------------|--------------|--------------|----------------|---------------|---------------|
| No. elected | | 43 | 9 | 3 | 2 | 57 |
| Proportionality % | | 75.44 | 15.79 | 5.26 | 3.51 | 100.00 |
| Proportional Seats: | | 36.96 | 7.74 | 2.58 | 1.72 | 49 |
| Committees: | No. of seats: | | | | | |
| Scrutiny | | | | | | 0 |
| Health & Ad | 7 | | | | | 0 |
| Children & LL | 7 | | | | | 0 |
| Environment | 7 | | | | | 0 |
| Comm. Dev | 7 | | | | | 0 |
| Bus. Efficiency | 7 | | | | | 0 |
| Audit | 7 | | | | | 0 |
| Planning | | | | | | 0 |
| Licensing | | | | | | 0 |
| Employment | 7 | | | | | 0 |
| TOTAL | 49 | 0 | 0 | 0 | 0 | 0 |
| Variance | | -37 | -8 | -3 | -2 | -49 |

