

CABINET

MONDAY 26 MARCH 2012

10.00 AM

Bourges/Viersen Room - Town Hall

Contact – Alexander.daynes@peterborough.gov.uk, 01733 452447

AGENDA

	Page No
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of Cabinet Meeting - 10 February 2012	1 - 4
STRATEGIC DECISIONS	
4. Peterborough Site Allocations Development Plan Document (DPD)	5 - 8
5. Trees and Woodlands Strategy	9 - 12
6. Statement of Community Involvement (including Neighbourhood Planning guidance) - draft*	13 - 20
7. Equality Objectives*	21 - 28
8. Use of Consultants - Consultancy and Interim Policy	29 - 38
MONITORING ITEMS	
9. Children's Services Update	39 - 42
10. Budget Monitoring 2011/12	43 - 52
11. Outcome of Petitions	53 - 54

Circulation

**Cabinet Members, Scrutiny Committee Representatives
Directors, Heads of Service, Press**

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

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.



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

This page is intentionally left blank

MINUTES OF CABINET MEETING HELD 10 FEBRUARY 2012

PRESENT

Cabinet Members: Councillor Cereste (chair), Councillor M Dalton, Councillor S Dalton, Councillor Fitzgerald, Councillor Hiller, Councillor Holdich, , Councillor Scott, Councillor Seaton and Councillor Walsh.

Cabinet Adviser: Councillor Goodwin

In attendance: Niamh Kingsley (Deputy Youth MP)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor S Dalton and Councillor Lee.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES OF CABINET MEETINGS 12 DECEMBER 2011 AND 20 JANUARY 2012

Cabinet agreed the minutes of the meetings held 12 December 2011 and 20 January 2012 were accurate.

STRATEGIC DECISIONS

4. BUDGET 2012/13 AND MEDIUM TERM FINANCIAL STRATEGY (MTFS) TO 2021/22

Councillor Seaton introduced a report presenting budget proposals for 2012/13 through to 2021/22, in line with the final local government finance settlement for 2012/13 and the possible outcome for future local government funding arrangements from 2013/14 onwards. Councillor Seaton highlighted that this year's budget came in one of the most challenging financial situations the council had seen but provisions were included to ensure the provision of key services, improvements for the city's future, continued school improvements and funding to address the challenges faced for adult social care and children's social care.

An addendum document was included with the papers for the meeting updating Cabinet on any amendments made following public consultation. This included a reduced savings target for Enterprise, a reduction to the Trees and Woodlands strategy budget and updates to the reserves schedule and addressed other points raised in consultations.

During debate on the report, it was highlighted that the council tax rise was needed to continue to provide front line services, improvements to Children's Services were being made, school investment would continue, an ageing population brought additional funding pressures, savings continue to be made and accepting the government council tax freeze offer would see the council lose money in the long term.

Niamh Kingsley, Deputy Youth MP, read a statement from the Peterborough Youth Council responding to the Budget. The investments into schools and into Children's Services were

welcomed and the Youth Council was largely supportive of the budget that had been put forward.

Following consideration of the report and accompanying document Cabinet **RESOLVED** to:

1. Have regard to the consultation feedback and statutory advice detailed in the report when determining the budget recommendations.
2. Agree that the following be approved and recommended to Council on 22 February 2012, noting that updates may be necessary if additional information emerges:
 - a) That the Medium Term Financial Strategy is set in the context of the council priorities and sustainable community strategy;
 - b) The Budget monitoring report as the latest probable outturn position for 2011/12, noting the use of reserves to deliver a balanced budget;
 - c) The revenue budget for 2012/13 and indicative figures for 2013/14 to 2021/22 (including the capacity bids and saving proposals outlined in pages 77-87 of the MTFS);
 - d) The recommendation of the Cabinet Member for Resources that the school crossing patrol saving proposal is dropped from the budget plans;
 - e) The capital programme for 2012/13 to 2021/22 associated capital strategy, treasury strategy and asset management plan;
 - f) The principles supporting the plans for the allocation of the Invest to Save capital budget;
 - g) The medium term financial plan for 2012/13 to 2021/22, extended to a ten year plan so that the key challenges around delivery of growth can be adequately captured and financial challenges arising from significant local government funding changes be modelled;
 - h) The proposed council tax increase of 2.95% for 2012/13, indicative increases of 2.95% for 2013/14 to 2016/17 and return to 2.50% for 2017/18 to 2021/22;
 - i) To spend at the level of the Dedicated Schools Grant for 2012/13 to 2021/22; and
 - j) The proposals for reserves and balances.
3. These recommendations are put forward on the basis of the confirmed local government finance settlement for 2012/13 and best estimates of future local government funding.

In considering the addendum document Cabinet noted the following changes affecting the recommendations above:

- i. The updated consultation feedback and summary (recommendation 1);
- ii. A reduction to the Enterprise saving proposal from £420k to £100k per annum (recommendation 2c and 2g);
- iii. A revision to the Trees and Woodland Strategy capacity bid to £750k per annum resulting in a saving of £250k (recommendation 2c and 2g);
- iv. A presentational change of the Vivacity saving proposal from service reduction category to efficiency category following discussion with Vivacity; and
- v. An update to the reserves schedule (recommendation 2j).

REASONS FOR THE DECISION

The Council must set a lawful and balanced budget.

The Council is required to set a Council Tax for 2012/13 within statutory prescribed timescales and in accordance with the local referendum requirements contained within the Localism Act 2011.

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

ALTERNATIVE OPTIONS CONSIDERED

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

5. PETERBOROUGH HOUSING STRATEGY 2011-2015 AND THE PETERBOROUGH STRATEGIC TENANCY POLICY

Councillor Hiller introduced a report seeking Cabinet's support for the attached Peterborough Housing Strategy 2011 to 2015 and the Peterborough Strategic Tenancy Policy (as attached at Appendix 1 to the Housing Strategy) and for it to recommend adoption of both documents by Council at its meeting of 22 February 2012. This was seconded by Councillor Seaton.

During debate, officers confirmed that there were provisions in place to tackle homelessness, an option to require planning permission for Houses of Multiple Occupation in certain areas could be investigated and any student properties had to be classed as student accommodation to be exempt from council tax.

Following consideration of the report and accompanying document Cabinet **RESOLVED** to:

Support the Peterborough Housing Strategy and the Peterborough Strategic Tenancy Policy (as attached at Appendix 1 to the Housing Strategy) and agreed to recommend the Housing Strategy and the Strategic Tenancy Policy to Council for adoption at Council's meeting of 22 February 2012.

REASONS FOR THE DECISION

It is a statutory duty to prepare a Housing Strategy, albeit there is very limited statutory guidance as to what it must contain. The Council's current Housing Strategy (2008 to 2011) has come to the end of its intended period and thus a revised strategy is necessary. The Localism Act November 2011 introduced the requirement for local authorities to publish a Strategic Tenancy Policy within 12 months of the Commencement Order that came into force on 15 January 2012.

The Housing Strategy has also been prepared bearing in mind the financial constraints under which the council will operate during the 2011 to 15 period.

ALTERNATIVE OPTIONS CONSIDERED

The council could decide to delay adoption of a revised Housing Strategy. However, not only is the existing Strategy coming to the end of its life but it was prepared under a very different national economic and policy situation – it is considered essential, therefore, that our local housing strategy is updated to reflect both of these matters.

Alternative policy options are, of course, possible for inclusion within the strategy. However, the ones presented today are considered by officers as fit for purpose, tackle the key issues that Peterborough faces, yet are realistic and take account of financial constraints.

6. ANNUAL AUDIT LETTER

Councillor Seaton introduced a report to consider and respond to the Annual Audit Letter for 2010/2011, prepared jointly by the council's external auditors PriceWaterhouseCoopers (PwC) and the Audit Commission Relationship Manager. Councillor Seaton highlighted that the letter reflective the good financial management at the council.

Cabinet **RESOLVED** to:

Approve the Annual Audit Letter 2010/2011.

REASONS FOR THE DECISION

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

ALTERNATIVE OPTIONS CONSIDERED

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

7. OUTCOME OF PETITIONS

Cabinet considered a report recommending it notes the action taken in respect of petitions presented to full Council.

CABINET **RESOLVED** TO:

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

REASONS FOR THE DECISION

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

ALTERNATIVE OPTIONS

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

3.00 p.m.

CABINET	AGENDA ITEM No. 4
26 March 2012	PUBLIC REPORT

Cabinet Member responsible:	Cllr Marco Cereste, Portfolio Holder for Strategic Planning, Economic Development and Business Engagement	
Contact Officers:	Simon Machen - Head of Planning, Transport and Engineering	Tel. 453492
	Richard Kay – Policy and Strategy Manager, Planning, Transport and Engineering	863796
	Gemma Wildman – Principal Planner, Planning, Transport and Engineering	863824

PETERBOROUGH SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (VERSION FOR ADOPTION)

R E C O M M E N D A T I O N S	
FROM : Head of Planning, Transport and Engineering	Deadline date : 18 April 2012
<ol style="list-style-type: none"> 1. That Cabinet notes the conclusions of the independent Inspector who was appointed to examine the council's submitted Peterborough Site Allocations Development Plan Document. 2. That Cabinet recommends to Council the adoption of the Peterborough Site Allocations Development Plan Document, incorporating modifications as recommended by the Inspector ('Main Modifications') and other minor editorial modifications ('Additional Modifications'). 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following Council's decision on 8 December 2010 to approve the Peterborough Site Allocations Development Plan Document (DPD) (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation has taken place and the DPD was submitted to the Secretary of State in May 2011. Subsequently, an independent Planning Inspector appointed by the Secretary of State has carried out a public examination into the document. The Inspector has sent his report to the Chief Executive setting out his conclusions on the DPD.

2. PURPOSE AND REASON FOR REPORT

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

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

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	26 March 2012
Date for relevant Council meeting	18 April 2012	Date for submission to Government Dept	N/A

4. **PETERBOROUGH SITE ALLOCATIONS DPD – THE INSPECTOR’S REPORT AND THE SITE ALLOCATIONS DPD RECOMMENDED FOR ADOPTION**

Introduction

- 4.1 The preparation of the Peterborough Site Allocations DPD has reached its final stage. Following considerable public consultation over the last few years, we have now reached the stage where Council has to decide whether to adopt the DPD as part of its major policy framework.
- 4.2 Cabinet will recall that on 8 November 2010, the ‘submission’ version was considered before subsequently being approved by Council on 8 December 2010. That approval set in motion two key events:
- (i) the issuing of the Site Allocations Document for its final public consultation stage (February-March 2011); and
 - (ii) the ‘examination’ of the Site Allocations Document by an Independent Inspector appointed by the Secretary of State (autumn 2011), and the subsequent issuing of an ‘Inspector’s Report’ (February 2012) setting out his recommendations for modifications to the DPD.

Content of Site Allocations DPD

- 4.3 Before coming to the Inspector’s findings and recommendations, Cabinet may wish to remind themselves as to the purpose, content and status of the Site Allocations Document. If adopted, it will become part of the statutory development plan, and, as such, will be part of the council’s major policy framework. It will be one of the documents that will gradually replace the existing Peterborough Local Plan (First Replacement) (2005), complemented by a suite of other documents (such the Core Strategy which was adopted February 2011) that together comprise the Local Development Framework.
- 4.4 The Site Allocations DPD identifies land and allocates sites for different types of development, such as housing and employment to deliver the planned growth for Peterborough’s administrative area as set out in the Core Strategy. It excludes sites in the City Centre. It also identifies and safeguards land for items of key infrastructure required to support the growth of the city.

The Inspector’s Role and the Inspector’s Report

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

- (ii) That the Site Allocations DPD is 'sound' as submitted, or provided that certain modifications as recommended by the Inspector are made before it is adopted.

4.6 We are very pleased to report that the Inspector, Mr Roger Clews, has found our DPD 'sound' and, in effect, has given permission to the city council to adopt it provided his recommended modifications are incorporated into the final adopted version. His full report is attached at Appendix A. This includes a list of all modifications (see Appendix).

4.7 The Inspector concludes that the Site Allocations DPD provides an appropriate basis for the allocation of development sites in Peterborough (excluding the city centre) over the period to 2026, provided that a number of modifications are made to it. The modifications can be summarised as follows:

- Deletion of a housing site in Thorney (SA5.6) - Land off Whittlesey Road, Thorney (130 dwellings)
- Deletion of policy SA20: Cemetery Provision (including site SA20.1)
- Inclusion of Site H081: Land at Woburn Drive, Thorney (77 dwellings)
- Inclusion of Site H070 (part): Land off Crowland Road, Eye Green (25 dwellings)
- Inclusion of Site H150 (part): Land south of Thorney Road, Eye (50 dwellings)
- Adjustment to the boundary of the Norwood Urban Extension
- Alterations to wording of some policies and their reasoned justification to bring them into compliance with the Core Strategy and national planning policy, to ensure the adequate provision of infrastructure and to ensure that the allocated sites are deliverable.

4.8 It is important to note that, in accordance with regulations, the recommended modifications in the Inspector's Report are 'binding' on the council. This means that the council cannot 'pick and choose' which of his modifications to accept or reject; it must accept them all (if the council wishes to adopt the DPD) or, indirectly, reject them all (and, thus, not adopt the DPD).

Adoption of the Peterborough Site Allocations DPD

4.9 Cabinet must decide whether to recommend to Council the adoption of the Peterborough Site Allocations DPD. Attached at Appendix B is the version which Cabinet is asked to recommend. This version incorporates all of the recommended modifications made by the Inspector. It also includes a number of minor changes which do not affect the soundness of the document, and which the council is permitted to make under new provisions introduced by the Localism Act 2011. These changes are minor editing and updating of the document and are listed in Appendix C to this report. The majority of these minor changes have arisen from discussions that took place during the examination and they have been the subject of consultation in November 2011.

4.10 Appendix D of this report consists of that part of the Proposals Map which accompanies the Site Allocations DPD, showing the precise location of all the future housing and employment sites as well as land safeguarded for other uses, as included in the DPD.

4.11 If the DPD is adopted by Council, a completely new Proposals Map will be published which will also incorporate mapping associated with the remaining saved policies in the Local Plan (2005) and sites identified in the Minerals and Waste Site Specific Proposals DPD (adopted February 2012). The Proposals Map will be updated each time the council adopts a DPD which has policies for specific geographical areas.

4.12 To be absolutely clear on this matter, Cabinet (and then Council) can only support or reject the version as at Appendix B.

- 4.13 If Council agree the Site Allocations Document as per Appendix B, then the document is 'adopted' and comes into effect immediately.
- 4.14 If Council does not agree the Site Allocations Document as per Appendix B, then, in accordance with the regulations, it is not obliged to adopt it. Under this scenario, the council would need to re-commence the preparation of a new Site Allocations Document, following the same cycle of extensive data collection, site appraisal, consultation and examination as before.

5. CONSULTATION

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

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will recommend to Council that the Site Allocations DPD, as amended as a result of the Inspector's recommended modifications, be adopted.

7. REASONS FOR RECOMMENDATIONS

- 7.1 As outlined in the report, Council only has two options available to it; either adopt the document with the modifications or not adopt the document. The former is recommended, as it is a statutory duty to prepare a Site Allocations DPD, and, in adopting it, Peterborough will have a clear and robust policy document setting out its vision, objectives and sites for future growth.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The option of not adopting the DPD is not recommended, because in doing so the council:
- Would not have sufficient sites available to deliver the planned growth of the city set out in the adopted Core Strategy
 - Will be at considerable risk of having to consider ad hoc major planning proposals from developers with no real basis or policy in place for decision making (which in turn could lead to poorly planned growth, reduced investment in Peterborough, lower job growth, increased housing waiting list and insufficient provision of infrastructure due to uncoordinated, developer-led, development schemes).

9. IMPLICATIONS

- 9.1 The Site Allocations DPD will have implications for all sectors of society and all wards and parishes of the local authority area. The process of sustainability appraisal, based on social, economic and environmental criteria, ensures that all potential implications are taken into account in a systematic way.
- 9.2 Legal Implications: On adoption, the council must consider all relevant planning applications against the allocated sites and policies in the DPD.
- 9.3 Financial Implications: There are no immediate financial implications flowing from the adoption of the DPD.

10. BACKGROUND DOCUMENTS

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

None.

CABINET	AGENDA ITEM No. 5
26th March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Sam Dalton, Cabinet Member for Environment Capital		
Contact Officer(s):	Paul Phillipson Executive Director of Operations	Tel. 453455	

Trees & Woodland Strategy- Policies and Priorities

R E C O M M E N D A T I O N S	
FROM : Councillor Sam Dalton	Deadline date :
That the Cabinet is recommended to:	
<ul style="list-style-type: none"> Endorse the Trees and Woodland Strategy – Policies and Priorities and recommend it to Council for adoption having considered the comments made by Environment Capital Scrutiny Committee and possible additional resource requirements post 2012/13. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following a review of the present Trees and Woodland strategy and the identified need to update and renew aspects of it. The Environment Capital Scrutiny Committee met on 22nd March 2012, after this report was published and any comments made by the Scrutiny Committee will be presented verbally to Cabinet.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to present the City Council's updated Trees and Woodland Strategy for the Cabinet to consider and if appropriate to refer it to Full Council for consideration as part of the major policy framework.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1: To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy Framework and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	22 nd March 2012
Date for relevant Council meeting	18 th April 2012	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. TREES & WOODLAND STRATEGY- POLICIES AND PRIORITIES

- 4.1 In 1998 Peterborough City Council adopted its Trees & Woodland Strategy. Since then this has proven to be a robust and successful document, providing the Council's basis for managing its own trees and giving guidance for the control and implementation of protection for privately owned trees.
- 4.2 The review of this Strategy commenced in 2005 by the then Trees and Woodland Team. A working group was convened in 2006 of Officers and Councillors to develop the Strategy. Owing to the comprehensive nature of this review, high work load and restructuring of departments this work was not completed until 2010. The findings of the review formed the basis of the first draft that was presented to Environment Capital Scrutiny Committee in the November of that year.
- 4.3 Following consideration of this draft and a separate meeting with interested members, further changes were made prior to the Environment Capital Scrutiny Committee endorsing the Trees and Woodland Strategy for wider consultation in January 2011.
- 4.4 The revised draft Strategy (Appendix A) provides the objectives, policies and actions which will establish Peterborough City Council's commitment and continued strategic direction for the protection, planting and maintenance of the trees and woodland within its authority. A key element of change within the strategy is moving away from a reactive service to one that ensures that its resources go towards a pro-active defendable system for managing tree risk and ensuring high standards of asset management.
- 4.5 The revised strategy aims to take consideration of updated policy guidance within S40 of the Natural Environment and Rural Communities Act 2006, Peterborough City Council's 2010 Biodiversity Strategy and "The Natural Choice: securing the value of nature – Environment White Paper CM8082".

5. CONSULTATION

- 5.1 Consultation was undertaken between 31st May 2011 and 11th July 2011. The draft Strategy was available on the Council website during this period. In addition relevant organisations were consulted. These include:
- *Cambridgeshire Bat Group*
 - *Buglife*
 - *Campaign To Protect Rural England*
 - *Forestry Commission*
 - *Friends of Stanley Recreation Ground*
 - *Froglife*
 - *Langdyke Countryside Trust*
 - *Natural England*
 - *Opportunity Peterborough*
 - *Peterborough Environment City Trust*
 - *Peterborough Conservation Volunteers*
 - *Peterborough Local Access Forum*
 - *Peterborough Civic Society*
 - *Phoenix Residents Association*
 - *Environment Agency*
 - *Plantlife*
 - *Peterborough Primary Care Trust*
 - *RSPB*
 - *The Wildlife Trust*
 - *The Woodland Trust*
 - *Greater Peterborough Partnership*

- *Nene Park Trust*
- *Burghley House Preservation Trust*
- *The Walcot Estate*
- *Milton Estates*
- *Friends of the Earth*
- *BTCV*
- *Enterprise Peterborough*
- *Trees for Cities*
- *Parish Councils*
- *Councillors*
- *Council Officers. This includes Legal, Recreation, Transportation, Landscape Architect, Neighbourhoods, Economic and Community Regeneration, Climate Change, Emergency Planning and Wildlife Officer.*

A total of 245 consultation responses were received. These comments and observations have been incorporated, where appropriate, within the revised Strategy presented. A summary of the consultation comments is included within Appendix C.

6. ANTICIPATED OUTCOMES

That Council will adopt the Trees and Woodland Strategy- Policies and Priorities as part of the Major Policy Framework.

7. REASONS FOR RECOMMENDATIONS

To update the City Council's Trees and Woodland Strategy to take account of its legislative requirement introduced by the Natural Environment and Rural Communities Act S40 and The Natural Choice: securing the value of nature – Environment White Paper CM8082.

In addition it will help the Council facilitate compliance with:

- Occupiers Liability Act 1957) [revised 1984]) which requires it “to take reasonable care” to maintain its trees and woods in a reasonably safe condition.
- Section 3 (1) of the Health and Safety at Work Act 1974 which places general duties upon the Council to those other than employees and states:
“It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety”

8. ALTERNATIVE OPTIONS CONSIDERED

Consideration was given to retaining the 1998 Trees and Woodland Strategy. This was rejected as it does not adequately reflect legislative requirements that have come into force since adoption. In addition, the existing document does not provide a defensible tree management system for the Council.

9. IMPLICATIONS

- 9.1 Experience from the implementation of the 1998 Trees and Woodland Strategy indicates that certain elements of the revised Strategy can be achieved within existing resources. However, the updated strategy has identified that additional resources would be required in order to comply with our legal duty in respect to tree management. These are outlined within Appendix B and inspections / works undertaken will identify the specific resources required to deliver all the elements of the strategy. Additional budget was allocated in the

Medium Term Financial Strategy (MTFS) of £744,000 in 2012/13, £735,000 in 2013/14, and £727,000 in each of the following three years 2014 to 2017. It is considered that this allocation of funding will initiate the implementation of the strategy and that there will be the need to annually review the ongoing resource implications that will be informed by inspections and delivery of works undertaken the previous year. Additionally, opportunities will be explored to offset the cost of managing the Council's trees and woodland by seeking external funding or other changes to landscape management practices which are less expensive. As with all budgets, this allocation will be reviewed as part of the annual budget process.

- 9.2 The Strategy in particular most directly contributes to the 'Creating the UK's Environment Capital' priority of the Sustainable Community Strategy via the Cleaner/ Greener agenda. Progress on delivery of the Strategy will be used to give a more detailed picture of the breadth of the actions taken by the Council to deliver this priority.
- 9.3 In addition, the Strategy will assist in delivering National Indicator 160 by helping deliver positive conservation management to woodlands that have local site designation.
- 9.4 An overall failure to implement the Strategy would entail non compliance with the Council's duty of care to maintain its trees and woods. In addition, it would demonstrate a failure to deliver the Council's Environment Capital aspirations. Associated negative effects to quality of life, the economy and cultural heritage should also be expected.
- 9.5 This report has implications throughout the authority area where the Council is landowner manager.

10. BACKGROUND DOCUMENTS

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

- Peterborough Tree and Woodland Strategy June 1998
- Peterborough Sustainable Community Strategy (including Rural Vision Strategy and Environment Capital Manifesto)

APPENDICES

Appendix A : Trees and Woodland Strategy- Policies and Strategies

Appendix B: Extrapolation Of Priorities And The Financial Implications In Complying With The Trees and Woodland Strategy

Appendix C: Consultation Comments

CABINET	AGENDA ITEM No. 6
26 March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen – Head of Planning, Transportation and Engineering	Tel. 01733 453475
	Richard Kay – Group Manager – Strategic Planning, Housing and Environment	01733 863795
	Adrian Chapman – Head of Neighbourhoods	01733 863887

PETERBOROUGH ‘STATEMENT OF COMMUNITY INVOLVEMENT’, NEIGHBOURHOOD PLANNING AND COMMUNITY ACTION PLANS

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director Operations	Deadline date : March 2012
Cabinet is recommended to:	
<ol style="list-style-type: none"> 1. Approve the draft Statement of Community Involvement, as attached at Appendix 1, for the purposes of public consultation, subject to any minor changes necessary in order to ensure that it aligns with the final neighbourhood planning regulations published in mid March; 2. Agree, for the interim period between 6 April 2012 and the adoption of the Statement of Community Involvement (scheduled for later in 2012), that the provisions set out in the draft Statement of Community Involvement in respect of Neighbourhood Planning be applied; and 3. Endorse the continued production of Community Action Plans, based on the outline detailed at paragraphs 4.23 to 4.29. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following recent new and amended Acts of Parliament (in particular the Localism Act 2011 and the amended Town and Country Planning Acts), and recent and forthcoming changes to regulations governing matters such as plan making, planning applications and consultation with communities.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is twofold: (a) to update and gain approval from Cabinet as to how Peterborough City Council wishes to consult and assist the public on all matters relating to planning, neighbourhood planning and community action planning; and (b) seek approval from Cabinet, for the purposes of public consultation, the attached draft Statement of Community Involvement (SCI).

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**

Is this a Major Policy Item/Statutory Plan?	NO
---	-----------

4. **PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT, NEIGHBOURHOOD PLANNING AND COMMUNITY ACTION PLANS**

Introduction

- 4.1 Planning is a high profile and contentious issue, whether that be plan-making (such as allocating sites for development), determining planning applications or preparing 'action plans' for specific communities.
- 4.2 How we plan, and how people can get involved in planning decisions, is also under a period of significant change as a result of the Localism Act 2011.
- 4.3 It is, therefore, essential that the council sets out the 'rules' for all these matters, in order to ensure that:
- the public has full knowledge of the process and know exactly when best to get involved;
 - officers prepare plans and deal with planning applications, in the knowledge that they are being prepared in accordance with Members' wishes with respect to public engagement and consultation; and
 - Members have confidence that a robust and consistent process is in place.
- 4.4 As such, from time to time, it is important the council refreshes its consultation framework, and helps people get the most out of the planning system.

Statutory document setting out consultation arrangements

- 4.5 It is a statutory requirement for the council to set out how it will consult the public on planning matters, in a document entitled '**Statement of Community Involvement**' (SCI). The council adopted its first (and current) SCI in February 2008¹.
- 4.6 However, there have been considerable changes in the past four years, especially since the Localism Act 2011 was given royal assent in November 2011, such as:
- Changes to the local plan making Regulations (likely to come into force in Spring 2012);
 - Revised guidance from Government, mostly in the form of a new National Planning Policy Framework (NPPF) which will replace all previous government guidance notes such as Planning Policy Guidance/Statements and Circulars (the final version of the NPPF is due in Spring 2012);
 - The introduction of 'Neighbourhood Planning', which includes matters such as Neighbourhood Plans, Neighbourhood Development Orders, and the setting up of Neighbourhood Development Areas and associated Neighbourhood Forums (coming into force from 6 April 2012);
 - The introduction of 'referendums' to approve matters prepared under Neighbourhood Planning powers;
 - Proposed abolition of regional planning (likely to come into force later in 2012);
 - New duties on developers to undertake pre-application consultation with communities which will be potentially affected by their proposals (and a duty to

¹ For the current adopted Peterborough SCI (2008), see: http://www.peterborough.gov.uk/planning_and_building/planning_policy/draft_development_plans/statement_of_community_involve.aspx

demonstrate how comments raised have been taken into account by the developer);

- Possible changes to planning application fee setting (thought this now seems less likely than was previously thought);
- A general 'raised expectation' from the public, since the new coalition government has been in place, that planning decisions will be taken with greater involvement of the community; and
- The introduction in Peterborough of Neighbourhood Committees with devolved powers and delegated decision making.

4.7 Thus, officers are recommending that a refresh of the SCI be prepared and have drafted the attached for approval by Cabinet. If Cabinet agree, the draft will be issued for public consultation. Subsequently, a final version, taking into account any comments made, will be brought back to Cabinet for adoption.

Principal changes to the SCI since the 2008 version

4.8 Some parts of the SCI are simply in need of updating from the 2008 version, to ensure that updated government guidance is properly reflected and any best practice taken advantage of. However, two new significant sections to the SCI have been added relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

Pre - Application Advice Note

4.9 The Localism Act has put in place much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. The Act also enables local planning authorities to prepare a local 'advice note' on this matter which a developer must have regard to when undertaking pre-application consultation.

4.10 To ensure the city council is well prepared in this regard, we set out in the SCI a draft 'advice note' and are seeking views on it. A final version will then be prepared, taking account of both the consultation response and any other national guidance issued in the meantime.

4.11 We anticipate developers will welcome this local advice note, because it ensures that there is a fair, transparent, level playing field for such pre-application work. Without the advice note, developers could only rely on the rather sketchy details published by Government to date, with the risk that a developer either undertakes too little or too detailed pre-application consultation, the outcome of which would be delay and an impact on our growth aspirations.

Neighbourhood Planning

4.12 A second significant new section in the SCI is entitled 'Neighbourhood Planning in Peterborough'. This section sets out how the council intends to take forward the wide range of issues which come under the 'Neighbourhood Planning' section of the Localism Act.

4.13 In short, 'Neighbourhood Planning' has two principal elements:

- A '**neighbourhood development plan**', which is defined in the Localism Act as 'a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'.
- A '**neighbourhood development order**', which is defined as 'an order which grants planning permission in relation to a particular neighbourhood area...for development specified in the order, or for development of any class specified in the order'.

- 4.14 In simple terms, a 'neighbourhood area' is either a parish council area (or part thereof) or, where a parish does not exist, an area as defined by a neighbourhood forum. The setting up of such 'areas' and 'forums' have their own set of procedures in the Localism Act, and must be complete before any neighbourhood plan or order is embarked upon.
- 4.15 Whilst not statutorily required, it is considered sensible and helpful to the public that the SCI sets out how the city council will fulfil its statutory functions under the Localism Act in terms of how the council will deal with any applications to become (a) a **Neighbourhood Area**; and (b) a **Neighbourhood Forum**, and against what criteria the council will approve or reject such applications together with the decision making process.
- 4.16 It is important to note that the Localism Act and the associated neighbourhood planning Regulations make it very clear that unitary, district or county councils do not prepare, or even lead preparation of, either neighbourhood plans or orders. They can only be initiated by the community themselves. The costs associated with their preparation fall partly to the local planning authority (i.e. Peterborough City Council) and partly to the Parish Council or Forum which has initiated the process.
- 4.17 The purpose, in part, of the Peterborough SCI is **not** to set the rules as to what a neighbourhood plan or order should contain, but rather what assistance the council will give a parish or neighbourhood forum to help them prepare such a plan or order. Clearly, it is important that the council is very clear in these matters so as to appropriately give confidence to neighbourhood areas as to what help they will get with preparing their plans or orders. Similarly, being clear will ensure that there are no false expectations as to the amount of resources the council is able to offer and the number of Neighbourhood Plans and Orders it can process in any given time period (especially in the current difficult financial climate). It is a very careful balance to be made, and officers feel the SCI is the right and proper place to agree this (following, of course, public consultation on the draft SCI).
- 4.18 In short, it is essentially saying that the council will support any neighbourhood wanting to prepare a 'plan' or 'order', but confirming that the lead on their preparation must come from the community; and the resources available from the council to help on individual cases will be limited and proportionate.
- 4.19 The SCI also sets out how the city council will manage the examination and referendum processes at the end of the Neighbourhood Plan or Order preparation and approval process.
- 4.20 It is relevant to point out that the Neighbourhood Planning Regulations were issued by Government a matter of days before the dispatch of this Cabinet report. The SCI had been initially drafted on the basis of the draft version of the Regulations. Whilst there are no fundamental differences between the draft Regulations and the final version, there are minor differences. As far as possible within the time available, officers have incorporated any necessary changes into the SCI, but it may still be necessary to make minor alterations before the document is published for public consultation, so that it does not contradict any requirement contained in the final Regulations.
- 4.21 It may be that the council gets very limited interest in neighbourhood plans and orders, partly due to the cost burden on communities, partly because we have just gone through a successful joint-working arrangement with parish councils in respect of the Design and Development in Villages SPD or partly because communities have no real desire to pursue their own development opportunities or set their own planning 'rules' for their area. Nevertheless, where communities do want to take advantage of the new legislation, the city council should support communities, ensuring they understand what they are and what help they might get in preparing them. To date, we have had some interest from a few parish councils. Whilst mostly this has been limited to '*what is neighbourhood planning?*' one (Newborough Parish Council) has formally declared its intention, from 6 April 2012, to prepare a Neighbourhood Plan.

Alternative options, instead of neighbourhood planning

- 4.22 The SCI also touches upon what alternative options a local neighbourhood has if it does not want to undergo the somewhat lengthy (and potentially costly) formal neighbourhood planning process. This includes taking advantage of Supplementary Planning Documents (which Cabinet will be familiar with, as a number have been adopted over the past two years) or Community Action Plans. This latter option is discussed in more detail below.

Community Action Plans

- 4.23 Alongside the planning system, the city council's Neighbourhood Managers are preparing 'Community Action Plans' (CAP) for the city council's neighbourhood committee areas. A CAP should not be confused with the new Neighbourhood Planning as established by the Localism Act and described above – they are two very different documents. A Neighbourhood Plan is about land use matters, such as saying what development should go where. A CAP is about setting out what service providers (including the council, but also other providers such as the police and the health authorities) are to prioritise in a particular area, such as street cleaning, education facilities, maintenance and regeneration of play facilities, health facilities etc. i.e. they are about what the public, private and not-for-profit sector partners can or will do in a particular area, excluding anything to do with new development which would require (significant) planning permission, albeit the CAPs may inform planning decisions.
- 4.24 The Neighbourhoods Team will be initiating a series of CAPs, geographically modelled on the Neighbourhood Committee areas. Developed through the Neighbourhood Managers, they will require commitments and input from a wide range of council and other public, private and not-for-profit sector partners to be fully effective (e.g. police, health, voluntary sector, faith communities etc).
- 4.25 Each CAP (there will be seven in total) will follow a similar format, which will be modelled on the same content as the overarching citywide Single Delivery Plan. The Single Delivery Plan is the emerging plan that will address Peterborough's most challenging issues in a fully joined-up way. Seven priority themes have been identified in the Single Delivery Plan by partners, beneath which sit a series of more tangible projects. The seven priority theme headings will be used as the framework for the CAPs, with detail sitting beneath each heading which is specific to that locality whilst supporting the overall priorities for the city.
- 4.26 The seven priority themes are:
- Creating jobs through growth and improved skills and education
 - Supporting the most vulnerable families and tackling the causes of poverty
 - Safeguarding adults and children
 - Helping people and organisations live more healthy and sustainable lives and reducing energy consumption
 - Empowering people and creating cohesive communities
 - Reducing crime and tackling anti-social behaviour
 - Using our resources more efficiently, effectively and innovatively
- 4.27 Additionally, each CAP will contain an introductory section which paints a picture of the area, including population and demographic detail, information about facilities and services, and information about existing community groups and associations.
- 4.28 Once completed, each CAP will need to be approved through the normal routes – Neighbourhood Committee, Scrutiny and Cabinet. Where any decisions are required or any spend needed that originate from the CAPs then that will be subject to the usual corporate processes.
- 4.29 Members are asked to endorse the principle of preparing a CAP for each of the Neighbourhood Council areas.

5. CONSULTATION

- 5.1 The draft SCI has been considered by Planning and Environmental Protection Committee on 6 March. The Committee welcomed the document, but felt there was a degree of repetition in places, which might make it difficult for members of the public to follow. In response, officers have excluded some parts and removed the Executive Summary altogether; instead the summary will appear as a separate leaflet for the public consultation stage. The Committee asked for some detailed changes and clarification, including some of the text relating to voting at a referendum and public speaking at the Committee. All of the changes sought have been incorporated into the document as attached at Appendix 1.
- 5.2 The draft SCI was also considered by Sustainable Growth Scrutiny Committee on the same day. There was a good discussion on the various issues covered by the report. It was pointed out that areas of Peterborough with a parish council are at an advantage because they do not have to set up a neighbourhood area or forum first. Therefore it was considered that the council ought to concentrate its efforts in helping non-parished areas to gear themselves up for neighbourhood planning. This does not call for any change to the SCI but is a potential role for the council's Neighbourhood Management teams.
- 5.3 The draft was due to be considered at a meeting of the Scrutiny Commission for Rural Communities on 19 March and any comments will be reported orally at the Cabinet meeting.
- 5.4 Consultation with the public will take place on the attached SCI document during April and May 2012, assuming it is approved by Cabinet.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will approve the attached SCI document for the purposes of public consultation, plus endorsing the ongoing preparation of Community Action Plans.
- 6.2 Following public consultation, Cabinet will be asked to adopt the SCI later in 2012.

7. REASONS FOR RECOMMENDATIONS

- 7.1 It is a statutory duty to prepare an SCI. While the council already has an SCI in place, it is considered somewhat out of date and in need of a refresh. This will ensure communities are fully aware of how and when best to get involved in planning matters, whether that be plan making, planning applications or Neighbourhood Planning.
- 7.2 With respect to Community Action Plans, whilst they are not a statutory duty, it is considered important that a clear and concise 'action plan' is prepared for each neighbourhood which cuts across a wide range of service providers. This will make it easier for residents to understand what is being provided (and prioritised) in their area, in a single easy to use guide. It will also help ensure service providers are coordinated in the way they deliver services, which should deliver efficiency savings and a better overall outcome.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The council could decide not to issue a refreshed SCI, but this would mean the existing SCI would remain in force which has out of date commitments and expectations. Refreshing the SCI is a relatively quick process and only requires a relatively small amount of officer time. The benefits, therefore, are high compared with the costs of its production, especially considering the substantial amount of change to the planning system over the past few months.

- 8.2 The council could decide not to prepare CAPs, but this would not fill an identified gap, at the local community level, of having a coordinated approach to service delivery, supported by a full spectrum of partners. In the current times of austerity, it is essential to enable smarter decision making through a process which will ensure maximum benefit from the Single Delivery Plan.

9. IMPLICATIONS

- 9.1 **Financial:** Preparation of an SCI has minimal costs, and can be met within existing budgets. Indirectly, the SCI commits the council to undertaking certain consultation tasks in the future. Most of these are of very low cost, and fall within existing established budgets. However, the Neighbourhood Planning requirements, which are new for 2012 onwards, will result in additional costs. The council has a statutory duty to support and facilitate Neighbourhood Planning and the 'service standards' set out in the draft SCI do not significantly increase our financial expenditure requirements compared with the statutory minimum service we must provide. Government has acknowledged that Neighbourhood Planning will incur an additional burden on councils (city council officers estimate the costs on the city council could be somewhere in the region of £20,000 per plan), and had previously indicated in 2011 to financially support councils accordingly in due course. However, to date, we are not aware of the level of that support, if any at all, and therefore this can not currently be relied upon, therefore costs will need to be absorbed from within existing budgets, primarily planning policy, until Government funding is forthcoming.
- 9.2 It should be noted that the draft SCI explicitly sets deadlines for receipt of various applications for receiving neighbourhood planning related matters from communities, as well as limiting the number of plans and orders the council is capable of facilitating in any given year (with waiting lists being put in place, if demand exceeds the council's ability to process proposals). This will ensure that a robust, fair and financially prudent process is in place to deal with Neighbourhood Planning, and explained in advance to communities. To not set such deadlines and thresholds could result in unlimited neighbourhood planning matters being fed through the council, each one with associated costs on the council which the council would be obliged to meet i.e. an unlimited financial liability on the council.
- 9.3 The preparation of CAPs will have a relatively low cost and can be met within existing budgets. The CAPs, themselves, will help steer investment at the neighbourhood level, but not necessarily commit the council to expenditure directly, except by influencing existing budgets.
- 9.4 **Legal Implications:** The SCI, once adopted, must be adhered to by the council in the way it conducts its planning business. Failure to do so could result in legal challenges. However, Cabinet today is only being asked to approve a draft for consultation, so there are no direct legal implications of this agenda report.
- 9.5 **Environmental:** there are no direct implications

10. BACKGROUND DOCUMENTS

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

None.

This page is intentionally left blank

CABINET	AGENDA ITEM No. 7
26th MARCH 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Irene Walsh, Cabinet Member for Community Cohesion and Safety	
Contact Officer(s):	Paul Phillipson	Tel. 01733 453556

EQUALITY OBJECTIVES FOR PETERBOROUGH CITY COUNCIL

R E C O M M E N D A T I O N S	
FROM : Paul Phillipson, Executive Director - Operations	Deadline date : Objectives to be published by 6 April 2012
<p>That Cabinet approves and agrees to publish the three equality objectives recommended by the Equality and Diversity Steering Group, namely:</p> <ul style="list-style-type: none"> a) To undertake a full review of strategic functions, policies and procedures across the authority, to ensure legislative compliance and best practice is embedded within our systems; b) To establish Corporate Governance and Partnership arrangements that ensure the Equality Duty is delivered; c) To establish a Quality Assurance Process that meets the recognised standards for assessing the Equality impact of our internal processes and policies and those relating to our service delivery. <p>Further detail of each objective is set out in paragraph 3.5 below.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the implementation of the Equality Act 2010, under which the Council is obliged to agree and publish its equality objectives by no later than 6 April 2012.
- 1.2 Cabinet previously considered a draft Single Equality Scheme at its meeting on 7 November 2011. This set out how the Council would meet its statutory obligations and included an action plan setting out the timetable for doing so. Cabinet Members debated the scheme indicating their support for the principles of it, but Members were concerned that some of the data used to compile the report was not up to date and therefore could not fully approve the report as it stood without it being updated, so resolved to request the Single Equality Scheme be submitted to the next meeting of Cabinet for approval following the inclusion of updated statistical data.
- 1.3 Since the November Cabinet meeting a significant amount of work has been done on Equalities and Diversity across the authority and partner agencies. Although legislation no longer requires us to produce a Single Equality Scheme, we are required by law to publish one or more objectives on how we intend to meet the Equality Duty. In spite of the lesser legal requirements, we have, however, committed to deliver a more ambitious and wide-ranging programme of work, which will ensure our Equality and Diversity work is embedded in a meaningful, valuable way, across Peterborough City Council, our partners and local

communities. To achieve this we will concentrate on delivering specific objectives which will be core to all the activity undertaken across the authority. These objectives will be delivered through an action plan, developed in partnership with agencies representing protected groups over the next two years.

2. PURPOSE AND REASON FOR REPORT

The purpose of this report is to allow Cabinet to consider and agree Equality Objectives for the Council for the next 2 years as required by section 149 of the Equality Act 2010 and The Equality Act 2010 (Statutory Duties) Regulations 2011.

- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.3 – To take a leading role in promoting the economic, environmental and social wellbeing of the area.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
---	-----------	---	--

4. EQUALITY OBJECTIVES FOR PUBLICATION

- 4.1 Peterborough City Council is required to comply with statutory duties under:

- Section 149 of The Equality Act 2010 (The Public Sector Equality Duty)
- The Equality Act 2010 (Specific Duties) Regulations 2011

Section 149 of the Equality Act 2010 is referred to as the ‘Public Sector Equality Duty’ and is the overarching requirement of the duty. The duty recognises that meeting different needs includes taking steps to take account of disabled people’s disabilities, describes fostering good relations as tackling prejudice and promoting understanding between people from different groups, and explains that compliance with the general equality duty may involve treating some people more favourably than others.

- 4.2 The Public Sector Equality Duty requires Peterborough City Council, in the exercise of its functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people with a protected characteristic and those who do not;
- Foster good relations between people with a protected characteristic and those who do not.

- 4.3 The duty to advance equality of opportunity involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics (see appendix one for full definition of protected characteristics);
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

- 4.4 The Equality Act 2010 Regulations 2011 referred to as 'Specific Duties' are intended to help performance of the general equality duty. These regulations require the Council to:
- Publish information to demonstrate its compliance with the general equality duty by 31st January 2012
 - Publish one or more objectives that it believes it needs to achieve to further any of the aims of the general equality duty. This must be done no later than 6th April 2012 and at least every four years after that. These objectives must be specific and measurable.

4.5 The Council is now required to publish **one or more objectives** to further the aims of the general equality duty. The Equality and Diversity Steering Group have agreed the following **three objectives** for Cabinet to consider for publication –

4.5.1 To undertake a full review of strategic functions, policies and procedures across the authority, to ensure legislative compliance and best practice is embedded within our systems.

Aims:

- To consider what causes particular groups to need protected status
- To evaluate the systems and processes that we have developed within the authority to address those points
- To consider if we have addressed those issues equally for all groups and across all services or recreated inequalities

4.5.2 To establish Corporate Governance and Partnership arrangements that ensure the Equality Duty is delivered.

Aims:

- To develop appropriate mechanisms to support the delivery of our Equality Duty
- To identify officers who will champion compliance across service divisions
- To understand how to influence delivery of the Equality Duty across partners

4.5.3 Establish a Quality Assurance Process that meets the recognised standards for assessing the Equality impact of our internal processes and policies and those relating to our service delivery.

Aims:

- To establish a monitoring group to oversee compliance and quality
- To establish baseline requirements for effective benchmarking
- To establish review processes

5. CONSULTATION

5.1 Consultation on the **three objectives** has been carried out with the Equality and Diversity Steering Partnership, Cohesion Board and Diversity Forum.

5.2 Some of those members have carried out further consultation within their own organisations and given feedback through the groups. The Council also intends to widen its consultation with communities across Peterborough specifically targeting those protected characteristic groups who are currently under-represented in our consultation structures i.e. Lesbian, Gay, Bisexual and Transgender.

6. ANTICIPATED OUTCOMES

- 6.1 By undertaking a review of strategic functions, policies and procedures across the authority as outlined in objective one, the Council will establish a clear baseline of its current position in terms of equality, eliminating discrimination and establishing good relations. This objective will provide an opportunity to review the needs of the authority in terms of delivering equality, and also provide evidence of issues to be addressed.
- 6.2 The second objective, which requires the Council to establish corporate governance and partnership arrangements to deliver the Equality Duty, will ensure all staff and partners are obliged to deliver the Equality Duty. This will establish fair and transparent systems and improve relations between and within communities.
- 6.3 The final objective requires the establishment of a robust Quality Assurance Process in line with recognised Equality standards. This will enable continual, updated and accurate information on delivery of the Equality Duty. This will provide evidence that the authority is meeting its statutory requirements and that all its services are accessible and meet the needs of all the communities of Peterborough.

7. REASONS FOR RECOMMENDATIONS

The Council is required by Section 149 of the Equality Act 2010 Public sector equality duty, and the Equality Act 2010 (Statutory Duties) Regulations 2011 to publish one or more objectives that it believes need to be achieved to further the aims of the General Equality Duty. This must be done no later than 6th April 2012 and at least every four years after that.

8. ALTERNATIVE OPTIONS CONSIDERED

- i) Not to agree any equality objectives. This has been rejected as an option as it would put the authority in breach of its statutory duties.
- ii) To agree different objectives. This has been rejected as it is considered that the recommended objectives are the most appropriate at this time. Furthermore to reconsider alternatives now would result in a shorter time for consultation and put the authority at risk of failing to publish our objectives within the legal timeframe required.
- iii) To publish the objectives as part of a larger document similar to the draft Single Equality Scheme presented to Cabinet in November 2011. This has been rejected because there is no longer any requirement to have a single equality scheme, and it is considered more appropriate to concentrate on publishing and working towards achieving the specific objectives of the authority.

9. IMPLICATIONS

Subject to the three objectives being approved by Cabinet the following areas of work will be pursued –

- Training and development for staff on the importance of Equality issues
- Establish a timescale to deliver change
- Produce a detailed action plan incorporating wide ranging consultation exercises
- Set up Reporting Procedures
- Agreement of Governance processes

All legal implications are dealt with in the body of the report, and there are no specific financial implications from this report.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
None.

The Protected Characteristics

The following characteristics are protected characteristics—

- **age**
- **disability**
- **gender reassignment**
- **marriage and civil partnership**
- **pregnancy and maternity**
- **race**
- **religion or belief**
- **sex**
- **sexual orientation**

Age

1. In relation to the protected characteristic of age—

- a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;
- b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.
- c) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

Disability

1. A person (P) has a disability if—

- a) P has a physical or mental impairment, and
- b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

2. A reference to a disabled person is a reference to a person who has a disability.

3. In relation to the protected characteristic of disability—

- a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

- b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.
4. This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—
- a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
 - b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.
5. A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).
6. Schedule 1 (disability: supplementary provision) has effect.

Gender reassignment

1. A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
2. A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
3. In relation to the protected characteristic of gender reassignment—
 - a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;
 - b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

Marriage and civil partnership

1. A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
2. In relation to the protected characteristic of marriage and civil partnership—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
 - b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

Pregnancy and Maternity

Pregnancy refers to the condition of being pregnant or expecting a baby and maternity refers to the period of 26 weeks after birth. The Equality Act 2010 protections also cover a woman who has had a miscarriage.

Race

1. Race includes—
 - a) colour;
 - b) nationality;
 - c) ethnic or national origins.
2. In relation to the protected characteristic of race—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
 - b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.
3. A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.
4. The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.
5. A Minister of the Crown may by order—
 - a) amend this section so as to provide for caste to be an aspect of race;
 - b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.
6. The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

Religion or belief

1. Religion means any religion and a reference to religion includes a reference to a lack of religion.
2. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
3. In relation to the protected characteristic of religion or belief—
 - a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
 - b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

Sex

In relation to the protected characteristic of sex—

- a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

Sexual orientation

1. Sexual orientation means a person's sexual orientation towards—

- a) persons of the same sex,
- b) persons of the opposite sex, or
- c) persons of either sex.

2. In relation to the protected characteristic of sexual orientation—

- a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
- b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

CABINET	AGENDA ITEM No. 8
26 March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr David Seaton	
Contact Officer(s):	John Harrison, Executive Director Strategic Resources Steven Pilsworth, Head of Strategic Finance	Tel. 452520 Tel. 384564

CONSULTANCY AND INTERIM POLICY

R E C O M M E N D A T I O N S	
FROM : Executive Director Strategic Resources	Deadline date : 26 March 2012
1. That Cabinet adopts the Consultancy and Interim Policy	

1. ORIGIN OF REPORT

This report is submitted to Cabinet following the Sustainable Growth Scrutiny Committee meeting of 6th March.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to consider and approve the Consultancy and Interim Policy for adoption as recommended by the Sustainable Growth Scrutiny Committee of 6th March 2012 (Appendix 1) arising out of original recommendations of the scrutiny review group.
- 2.2 This report is for Cabinet to consider in accordance with its delegated functions 3.2.1, to take responsibility for the delivery of executive functions and lead overall improvement programmes to deliver excellent services; and 3.2.9, to determine any changes of policy proposed by the Scrutiny Committees.

3. TIMESCALE

Is this a Major Policy Item / Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
---	-----------	---	-----

4. CONSULTANCY AND INTERIM POLICY

- 4.1 In March 2010, the Sustainable Growth Scrutiny Committee requested a review into Peterborough City Council's use of consultants. A cross-party review group was established to undertake this work on behalf of the Sustainable Growth Scrutiny Committee.

The scope of the review focused on the following objectives:

- To examine the cost of consultants and whether that provides value for money.
- To review the processes for engaging and monitoring the work of consultants.
- To look at the relationship between consultants and staff of the council.
- To examine the likely future use of consultants by the council.

- 4.2 The report from the Consultancy Review Group was issued in March 2011 and contained 33 recommendations: 27 of these recommendations were endorsed by Cabinet in June 2011. In broad terms, the recommendations related to policy and process changes. Alongside these comments, the Review Group made the specific recommendation referred to below.

4. A policy on the use of consultants ought to be written for the benefit of officers to ensure consistent application in the use of consultants across the council.

- 4.3 Progress in implementing the recommendations, including a draft of the policy, was considered by Committee at their meeting on 8th November 2011. Committee made a number of comments regarding the draft policy, and requested that an updated draft was brought back to their meeting of 6th March 2012 for consideration. Following this the Policy was recommended to Cabinet for approval on 26th March, and is attached as an appendix.

5. CONSULTATION

- 5.1 Members of Sustainable Growth Scrutiny Committee discussed the draft policy at two sessions. The report of 6th March included specific commentary on how Member comments had been dealt with.

6. ANTICIPATED OUTCOMES

- 6.1 Cabinet should provide any comments on the consultancy and interim policy before approval, as appropriate.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The recommendations are in line with the recommendations of the original Scrutiny Review, as endorsed by Cabinet in June 2011.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Much of the policy draws together practice or requirements that are already in place e.g. in contract regulations, so it could be possible not to have a specific policy. However it is considered helpful, and more transparent, to have the specific policy as outlined.

9. IMPLICATIONS

- 9.1 Where appropriate, the policy outlines implications for areas such as Legal, Human Resources, Procurement and Finance. This report does not have implications for specific wards.

10. BACKGROUND DOCUMENTS

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

- Consultancy Review Report, March 2011
- Report to Sustainable Growth Scrutiny Committee, 8th November 2011
- Report to Sustainable Growth Scrutiny Committee, 6th March 2012

APPENDICES

Appendix 1 - Consultancy and Interim Policy

Consultancy and Interim Policy

1. Aim

- 1.1 The aim of this policy is to provide Peterborough City Council managers with guidance on the engagement and management of external consultants
- 1.2 The Council aims to ensure that value for money is received from consultants and that internal resources are used where they are available.
- 1.3 This policy does not apply to the engagement of temporary agency staff or interims where that interim is employed under a fixed term employment contract to carry out work which is “business as usual”. However some reference is made to these processes where necessary to make the appropriate differentiation to consultancy.
- 1.4 The overall objectives of this policy are to:
 - Ensure consistent application in the use of consultants across the Council
 - Ensure correct procedures are followed when sourcing a consultant, and as result ensuring there is appropriate transparency
 - Minimise the use of consultants to reduce overall spend.

2. Definitions

- 2.1 Understanding the different processes for engaging persons under a temporary or fixed term contract can sometimes be confusing.
- 2.2 The Sustainable Growth Scrutiny Committee’s Consultancy Review report (March 2011) outlined the following definitions for distinguishing between consultant and interim/agency staff.

Consultant

Consultants are external third parties with expertise that is typically not available internally. Clients employ consultants for short-term projects, and usually specify an end point to their involvement in a project.

Interim

Interims fill permanent vacancies or temporary increases in operational workload. Interims are therefore contractors used as day-to-day operational resources to maintain departmental function, and are managed by client staff.

- 2.3 Interims can be sourced in a number of ways. This is further outlined in section 3 below.

3. Approach to engaging consultants

- 3.1 The following table will assist you in understanding the correct process for engaging a temporary resource, and differentiates between consultants and other interim resource.
- 3.2 The policy itself covers the use of consultants. Existing procedures cover the use of Agency staff and Temporary employees.

Description	Payment Method	Engagement	Process
Consultant	Paid through invoice Short-term or fixed length employment	Requires tendering process to invite bids or sourced from the Professional Services Partnership (PSP) contract	Procedures outlined in this Policy (Schedule 1)
Interim	Paid through invoice Short-term or fixed length employment	Requires tendering process to invite bids or sourced from the Professional Services Partnership (PSP) contract	Procedures outlined in this Policy (Schedule 1)
Agency staff	Paid through invoice	Appointed through the council's framework arrangements for agency staff	See Insite
Temporary employee	Paid through salary	Advertisement	<ul style="list-style-type: none"> • Director's Board approval • Advert • Normal recruitment process

4. Policy Requirements

4.1 This policy requires that:

- Officers are required to ensure that recruitment (and on-going management) of any consultant complies with the requirements of this Policy.
- The consultant in turn will be bound by the terms of the contract with them (either through the overarching PSP contract, or via a direct contract for services)
- Officers will be required to ensure that any tendering exercise includes a requirement for consultants to certify that they do not have any conflict of interest in carrying out the contract. Examples of potential conflicts of interest are set out at Schedule 2 to this policy.
- Officers must ensure that any contract with the consultant contains a requirement that any conflicts of interest which arise during the course of the contract (including those of any sub-contractor engaged) will be notified to an officer of the Council. See Schedule 3 for an example of an appropriate condition. A similar clause is contained within the PSP contract
- Skills transfer must be a written contractual requirement for appropriate professional skills contracts, particularly project and programme management, to enable officers to develop expertise which will directly benefit the council. An example of a model skills transfer condition is also included at Schedule 4.
- Where the Council engages consultants on a long-term contract or on a series of successive short term contracts, there should be, only in appropriate circumstances, a requirement for managers to approach the consultant, at fixed periods in the contract, about filling a permanent role within the Council.
- Managers should negotiate, where appropriate, fixed-price or incentive-based contracts. It is noted that incentive-based contracts contain an element of high risk: therefore, guidance and agreement should be sought from the Senior Contracts & Partnerships Manager before managers embark on this course
- Officers should, wherever possible, seek to fill senior management posts with a permanent employee where it is beneficial for the Council and consider all other available options (e.g. internal employees acting up) before seeking to recruit an interim to a managerial position.
- Where appropriate, HR should be involved in the recruitment process for interims occupying managerial positions so that advice can be given on suitable candidates from amongst existing employees and in-house expertise, skills or knowledge.

5. Reporting and Monitoring

- 5.1 The recruiting manager will be required to complete progress reports on Verto to demonstrate that the objectives of the original business case are being achieved.
- 5.2 A monthly report on consultancy/interim usage will be submitted to the Executive Director Strategic Resources and the Cabinet Member for Resources for their information and scrutiny.
- 5.3 The Scrutiny Review recommended that the on-going monitoring role at Member level is undertaken by Audit Committee. Regular reports will be produced for the Audit Committee as requested.

6. Further support for Managers

- 6.1 Managers will be encouraged to source internal skills, expertise and resources before preparing a business case for consultancy resources (including consultants in interim positions).
- 6.2 HR will provide the necessary advice and support to test internal capacity before a decision is made to procure external assistance.
- 6.3 Legal Services will provide a standard form of consultancy contract for use by the Council which officers should use in preference to any contract proposed by the consultant. Where officers intend to rely upon a contract proposed by the contractor it must ensure that as a minimum the conflicts of interest condition and the transfer of skills condition at schedules 3 & 4 are included in the agreement.
- 6.4 Further guidance and support can be obtained from the contacts below:

Area	Contact
Business cases and Verto	Ramnit Bassi Business Transformation Manager (01733) 452388 ramnit.bassi@peterborough.gov.uk
Procurement	Andy Cox Senior Contracts & Partnerships Manager (01733) 452465 andy.cox@peterborough.gov.uk
Legal advice	Kim Sawyer Head of Legal (01733) 452361 kim.sawyer@peterborough.gov.uk
Finance	Departmental Heads of Business Support Steven Pilsworth Head of Strategic Finance (01733) 384564 steven.pilsworth@peterborough.gov.uk

Schedule 1

Process for Engaging Consultants or Interims

- A business case must be completed on Verto (the Council's project management system) outlining the need for a consultant, the benefits and the cost. Business cases need to be approved by the department Head of Service or Director (along with finance, legal and procurement approval).
- Those exceeding £5,000 in cost require approval from the Executive Director Strategic Resources. Where the business case exceeds £50,000, the EDSR will in turn seek approval from the Cabinet Member for Resources.
- The business case must be approved before any other elements of the process can be undertaken. If you have any queries about this process, please contact Ramnit Bassi on (01733) 452388 or ramnit.bassi@peterborough.gov.uk
- Business cases will be available for Members to view via their Verto access
- If the cost of the consultant exceeds £5,000, then Council contract regulations also apply. These are available on the Council's Website and can be accessed via the following link:
<http://democracy.peterborough.gov.uk/mqConvert2PDF.aspx?ID=8810>
- The ordering process is also explained on Insite and can be accessed via the following link:
<http://insite/Information%20Library2/InfoLibraryPages/CategoryDetails.aspx?CatID=631>

Schedule 2

Examples of potential conflicts of Interest

The following are matters which could potentially give rise to a conflict of the consultant's interest with the Council's interest. This list is not exhaustive but it might assist in identifying whether any potential conflict of interest arises:

- The consultant's financial interests are affected by the outcome of the contract (but this does not include the salary paid to the consultant).
- The consultant is a member of a body or holds a position of responsibility in a body whose interests may conflict with those of the Council.
- The consultant is personally known to the officer or member awarding the contract (this is not necessarily fatal to the contract if the contract has been obtained through fair competition but should be declared in any event).
- The consultant owns shares or has an interest in any company which is affected by the outcome of the contract.
- The consultant has another contract which conflicts with the Council's interests.

Schedule 3

Proposed condition of contract - Conflicts of Interest

Conflicts of Interest

- 1 The Consultant shall take appropriate steps to ensure that neither the Consultant nor any of its personnel is placed in a position where in the reasonable opinion of the Council there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the Consultant or such persons and the duties owed to the Council under the provisions of the Agreement. The Consultant shall disclose to the Council any actual or likely conflict of interest arising from the Consultant's provision of Services under the Agreement within 5 Working Days after becoming aware that such actual or likely conflict exists.
- 2 The Council reserves the right to terminate the Agreement immediately by written notice and/or to take such other steps it deems necessary where, in the reasonable opinion of the Council, there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the Consultant and the duties owed to the Council under the provisions of the Agreement.
- 3 The Consultant acknowledges that a conflict of interest shall, or is likely to, arise in circumstances where either it or any of its personnel:
 - 3.1 bids for work from the Council in relation to the same procurement for which the Consultant is or has provided consultancy services to the Council; or
 - 3.2 is asked by the Council to review or evaluate any aspect of the business of a competitor including, without limitation, its commercial proposals, strategies, methodologies, goods and services.

Schedule 4

Proposed condition of contract - Skills Transfer

Skills Transfer

1. The Consultant shall where required use its best endeavours to identify the required knowledge and skill set to carry out the Services and impart the necessary skills and knowledge to the Council's employees with whom the Consultant has contact in the performance of the Consultancy Services. This should be undertaken with a view to increasing and consolidating the skills base within the Council.
2. In addition the Consultant shall deliver training including a Question and Answer Session to those workers and employees with whom the Consultant has had contact together with such others as are nominated by the Council. The training shall be of such duration and timing as specified by the Council and shall focus on those areas identified by the Council that arise from the delivery of the Consultancy Services to the Council.

This page is intentionally left blank

CABINET	AGENDA ITEM No. 9
26 March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Scott, Cabinet Member for Children's Services	
Contact Officer(s):	Director of Children's Services	Tel: 01733 863606

IMPROVING CHILDREN'S SERVICES UPDATE

R E C O M M E N D A T I O N S	
FROM : Director of Children's Services	Deadline date : N/A
1. That Cabinet notes the improvement activity and progress within Children's Services	

1. ORIGIN OF REPORT

This report is the second quarterly update on progress in implementing the actions and recommendations arising from the Ofsted Inspection.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to update Cabinet with details of improvement actions undertaken since the 12th December 2011 meeting in response to the findings of the Ofsted Inspection of Safeguarding carried out in August 2011.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.3. To take a leading role in promoting the economic, environmental and social well-being of the area.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
---	-----------

4. PROGRESS REPORT

Since the previous report to Cabinet in December 2011, significant progress has been made in putting down the building blocks for sustainable improvement.

We have now put in place a permanent team of Assistant Directors with the appointment of Sue Westcott as Assistant Director of Safeguarding and Wendi Ogle-Welbourn as Assistant Director of Strategic Commissioning. These are both high performing individuals with a track record of delivering improvement and high quality services. They will both be in place by the end of March and will join Jonathan Lewis to make up a very strong senior leadership team.

We have rebased the establishment at 81 social workers and the budget report approved by Council agreed to an additional one million pounds to fund this and a further £2million to

fund the cost of Looked after Children. We are currently developing the marketing and attraction strategy to drive the recruitment of the additional 25 permanent staff.

In the meantime, we have commissioned and procured a peripatetic team of experienced social workers and management. They commenced working as an additional pod in the Referral and Assessment team on the 18th January. This team has provided the additional capacity to tackle the backlogs within the Referral Assessment Team and there has been a marked improvement in the timeliness of assessments. On March 14th the total open cases in that team had reduced to 296 compared to 724 on 28th November. The outstanding initial assessments have been reduced from 192 to 7 and the outstanding core assessments from 78 to 2 within that team.

The Early Intervention Support (EIS) team was set up in January comprising a manager and six workers from the 8-19 service. This team has diverted 110 families to early intervention services primarily within the Early Years or 8-19 teams.

Good progress has been made on the project to replace the Integrated Children's System (ICS). All the data from the legacy system has been cleansed and migrated over to Liquidlogic. The training programme is now in its final phases. All users have completed the basic course and we are now half way through Part Two which focuses on how individual teams will use the system. Attendance at the training has been almost 100% with the social worker teams really supporting the initiative and welcoming the change. The go-live and post go-live support has been engaged and trained, training manuals are being prepared.

A new Quality Assurance and Performance framework has been approved and will be rolled out in April. This will include comprehensive auditing of the quality of casework and the monitoring of supervision and the oversight of decision making.

Members, led by the Cabinet Member for Children's Services, have been actively engaged in challenging and supporting this improvement activity. A Member Task and Finish Group has met on three occasions to examine the improvement programme and the evidence around for progress. This has included a deep dive into the ICS implementation programme. Regular progress reports have also been considered by the Creating Opportunities and Tackling Inequalities Scrutiny Panel.

5. CONSULTATION

Partner agencies through the Peterborough Safeguarding Children's Board and the External Improvement Board are involved in the improvement activity.

6. ANTICIPATED OUTCOMES

The improvement activity has been planned to secure the following outcomes laid out in the Children's Services Improvement programme:

- Providing confident leadership across children's services
- Putting in place effective front-line practice
- Creating an organisation fit for purpose
- Strengthening partnerships to make a difference
- Becoming the employer of choice in the region
- Robustly managing performance

7. REASONS FOR RECOMMENDATIONS

The Council needs to secure immediate improvements to safeguard children and in the longer term put in place a sustainable high quality Children's Services in Peterborough.

8. ALTERNATIVE OPTIONS CONSIDERED

Not applicable.

9. IMPLICATIONS

- 9.1 The cost of the improvement programme can be met from within existing budgets. Resources are available to secure improvement in the immediate and longer term.
- 9.2 The Secretary of State has the power to issue a statutory notice if he or she deems this is required to secure the necessary improvements within a failing service.

10. BACKGROUND DOCUMENTS

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

None.

This page is intentionally left blank

CABINET	AGENDA ITEM No. 10
26 March 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr David Seaton	
Contact Officer(s):	John Harrison, Executive Director Strategic Resources Steven Pilsworth, Head of Strategic Finance	Tel. 452520 Tel. 384564

BUDGET MONITORING REPORT 2011/12

R E C O M M E N D A T I O N S	
FROM : Executive Director Strategic Resources	Deadline date : 15 March 2012
<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Notes the improvement in the provisional outturn for the council's revenue budget, reducing the level of reserves required to deliver a balanced budget. 2. Notes the updated reserves position, including the general fund and capacity fund. 3. Notes the position on the capital budget monitoring. 4. Notes the performance on treasury management activities, payments of creditors and collection performance for debtors, local taxation and benefit overpayments. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following approval by the Corporate Management Team.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to inform Cabinet of the provisional financial performance for revenue and capital based on known information to date.
- 2.2 This report also contains performance information on treasury management activities, the payment of creditors in services and collection performance for debtors, local taxation and benefit overpayments.
- 2.3 This report is for Cabinet to consider under its Terms and Reference No 3.2.7, to be responsible for the council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	Yes	If Yes, date for relevant Cabinet Meeting	26 March 2012
---	-----	---	---------------

4. PROVISIONAL OUTTURN 2011/12

4.1 Corporate Overview

4.1.1 When Full Council approved the Medium Term Financial Strategy (MTFS) 2011 in February 2011 it was on the basis that 2011/12 would have a surplus budget to offset against future deficit budgets arising from 2013/14. The MTFS also outlined that there were a number of financial risks that the council would need to monitor during the year.

4.1.2 As the financial year progressed, some risks materialised and further pressures emerged requiring robust action and mitigations to reduce the impact this financial year and financial consequences in future financial years. The emergence of these risks and pressures were flagged in the budget report to Cabinet during September and within all budget reports during January and February.

4.1.3 The actions undertaken by the Corporate Management Team and Cabinet included:

- Targeted actions on increased cost pressures within Adult Social Care and Children Services;
- Departmental measures to reduce spend in supplies and services and employee budgets without detriment to service provision in the current financial year. This includes where pressures have materialised, departments have contained these pressures with local actions;
- Bringing forward savings earmarked for future financial years in the current MTFS;
- Reviewing existing investment plans in the current MTFS, assessing the implications of deferring investment into future financial years such as growth investment;
- A comprehensive in depth review of the capital programme, deferring projects into future financial years or removing projects that are no longer required. Any reduction in the amount that the council requires to borrow to fund the capital programme would reduce the costs of financing the borrowing; and
- Review of reserves and provisions, particularly the commitments within the capacity fund.

4.1.4 Subsequently, the financial implications in future years were considered as part of setting the MTFS 2012 and in particular, detail was provided in the council's budget document on how the Council will address these financial issues. Cabinet continues to protect as far as possible, front line services and its vision for the city through reducing bureaucracy and costs, and improving efficiency to ensure value for money.

4.2 Financial Report – Revenue

4.2.1 The budget monitoring information as at February 2012 has been used to refresh the outturn position. As disclosed previously, the key issues that had arisen were increased cost pressures and demand within adult social care and children's social care budgets and the costs associated with supporting growth, regeneration and economic development.

4.2.2 As well as the general actions outlined in 4.1.3 above, the following specific issues are helping to minimise the impact of these pressures:

- Chief Executives – The current budget assumes £620k investment in supporting the council's growth agenda to grow the city by 20,000 jobs and 25,500 houses by the year 2026. This investment has been deferred until 2012/13 and 2013/14 financial year, therefore contributing to an under spend in Chief Executive's budget in the current financial year;
- Strategic Resources – Following the in depth review of the capital programme and subsequent slippage and re profiling of capital projects, the borrowing requirement has reduced, therefore resulting in a further saving. In addition, the council has brought forward saving proposals; and
- Savings across departments, and the use of the corporate contingency.

4.2.3 This report updates Cabinet of the continued progress to reduce the current overspend and consequential changes to the reserves. Despite this, it has not proved possible to completely close the gap. It is considered that any other short term savings in the current financial year will have an unacceptable impact on services. As such it remains necessary to use some reserves to balance the position. The impact of this approach on the level of reserves is included in the MTFS, and specifically commented on in the Chief Finance Officers report. Cabinet and CMT will continue to exhaust all the actions, including those outlined in paragraph 4.1.3 of this report to reduce the current pressure further.

4.2.4 Based on the latest available information as at 29 February 2012, the outturn has improved by £318k and will therefore reduce the amount of reserves required to balance the budget. A summary of the changes since the published MTFS to the latest forecast are outlined below. A detailed breakdown can be seen in appendix A.

Department	Outturn to Full Council £k	Updates to Outturn £k	Provisional Outturn £k
Use of Surplus Carry Forward as per MTFS 2011	2,918	0	2,918
Adult Social Care	-8,357	-94	-8,451
Chief Executive	1,103	184	1,287
Legal and Governance Services	347	39	386
Children Services	0	0	0
Operations	218	33	251
Strategic Resources	344	156	500
Corporate contingency	1,000	0	1,000
REVISED TOTAL – surplus (+) / deficit (-)	-2,427	318	-2,109
Use of Reserves	2,427		2,109
Outturn	0		0

4.2.5 The key changes impacting on outturn include:

- An updated estimate to adult social care costs;
- Continued business critical spend only strategy within departments;
- Additional unringfenced grant income received; and
- Capital financing savings arising from the council continuing to use internal cash balances before borrowing from the market leading to interest savings.

4.2.6 The provisional outturn position may fluctuate further as there are several risks and issues that are subject to change and dependent on departmental actions. All of these items are being monitored closely with the expectation that there is no worsening of the latest provisional outturn position.

- The adult social care forecast assumes that when the service returns to the Council, the number of clients using these services does not increase further during March and it remains our best estimate at this stage;
- Departments delivering locally agreed action plans to balance their budgets and continue to invoke spending measures such as critical business spend only;
- Finalisation of the redundancy programme for 2011/12;
- Confirmation of school capitalisations for 2011/12. This will be finalised during closure of accounts during April 2012; and
- Accounting for the unspent monies on revenue grants in accordance with the International Financial Reporting Standards.

4.3 Financial Report – Reserves

4.3.1 The council's departmental reserves and capacity building reserve are monitored throughout the year as part of budget monitoring and feed into the budget setting process accordingly. The council is currently forecasting use of £2.1m of the capacity building reserve to meet pressures in the current year. This is factored into the summary of

reserves table. The council's projected key reserves position at 31 March 2012 is indicated in the next table.

- 4.3.2 Although the capacity building reserve has improved by £1.4m, the majority of this balance will be required during 2012/13 and is therefore not additional monies, only a timing issue between financial years of when the commitments are likely to occur.

Reserves	Reserves (Full Council) £k	Updates £k	Reserves (Cabinet) £k
General Balance	6,000	0	6,000
Capacity Fund	4,817	1,410	6,627
TOTAL	10,817	1,410	12,627

- General Fund – The general fund is expected to be maintained at £6m and this is consistent with the current MTFS.
- Capacity Building Reserve – This reserve is held to meet one off costs including the delivery of existing savings within the current MTFS. The improvement to the reserve since Full Council set next year's budget is predominantly due to the improved revenue outturn position, a revision to the phasing of human resource implications costs into next financial year and the phasing across financial years to address the Children Services Ofsted action plan. This is in part offset by the commitment to meet the transitional costs associated with bringing Adult Social Care services back under council control.

- 4.3.3 The final reserves position will not be confirmed until the closure of accounts.

4.4 Financial Report – Capital

- 4.4.1 The 2011/12 capital programme has been reduced as a result of re-phasing of the budgets in preparation for the MTFS (2012/13 to 2021/22). The resultant revenue impact of re-phasing has been factored into the current budget and future budgets as approved by Full Council last month. There has been a minor change to the capital programme by £0.1m and a revised capital programme summary can be seen in the next table:

Overall position of the Capital Programme 2011/12 as at 29 February 2012

Capital Programme by Directorate:	MTFS 2011 to 2015	Budget as at 01 April 11	Budget as at 29 Feb 2012	Actual Expenditure	Total Budget Spent	Anticipated Outturn**
	£000	£000	£000	£000	%	£000
Adult Social Care	3,965	4,189	1,154	-13	-1%	1,154
Chief Executives	12,115	19,519	3,895	2,479	64%	3,895
Children's Services	52,824	56,277	46,345	33,997	73%	46,345
Operations	19,048	20,457	16,397	12,134	74%	16,397
Strategic Resources*	20,854	23,303	15,816	8,804	56%	15,816
Total Expenditure	108,806	123,745	83,607	57,401	69%	83,607
Financed by:						
Grants & Contributions	45,407	53,733	47,977	38,517	80%	47,977
Capital Receipts	18,277	18,277	8,057	4,316	54%	8,057
Right To Buy Receipts	757	757	757	926	122%	757
Borrowing	44,365	50,978	26,816	13,642	51%	26,816
Total Resources - required	108,806	123,745	83,607	57,401	69%	83,607

4.4.2 The capital programme is partly funded by the receipts generated through the disposal of capital assets. There are risks that not all assets expected to be disposed of during 2011/12 will happen in line with the current budget strategy as decisions will need to happen by 31 March 2012. Any resulting financial impact will be assessed in conjunction with the overall capital programme and revised accordingly. The assets identified for disposal are still intended to be disposed as approved in the MTFS.

4.5 Financial Report – Performance Monitoring

4.5.1 An outline of performance against key indicators can be seen in appendix B.

5. CONSULTATION

5.1 Detailed reports have been discussed in Departmental Management Teams.

6. ANTICIPATED OUTCOMES

6.1 To note the provisional outturn position for the council.

6.2 To note the performance figures and prudential indicators for the council.

6.3 To note the actions that has been taken during 2011/12 and into the Medium Term Financial Strategy.

7. REASONS FOR RECOMMENDATIONS

- 7.1 This monitoring report for the 2011/12 financial year is a precursor to the closure of accounts and decision making framework to form part of the process for producing the Statement of Accounts.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The council's outturn is considered as part of setting the following year's budget including how any over and under spends on the reported outturn position can be met. Consideration on addressing the overspend included a reduction in the general fund balance below the minimum £6m balance which is not deemed to be appropriate and finding additional savings. It was considered that any other short term savings in the current financial year will have an unacceptable impact on services.

9. IMPLICATIONS

- 9.1 This report does not have any implications effecting legal, human rights act or human resource issues.
- 9.2 Members must have regard to the advice of the Section 151 Officer. The Council may take decisions which are at variance with this advice, providing there are reasonable grounds to do so.

10. BACKGROUND DOCUMENTS

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

Detailed monthly budgetary control reports prepared in Departments.

Appendix A

Probable Outturn £k		Budget	Provisional Outturn	Variance
		£k	£k	£k
	CHIEF EXECUTIVE'S DEPARTMENT			
55	Chief Execs Department	379	312	67
347	Legal & Governance Services	3,799	3,413	386
126	Chief Executive Dept & Business Support	690	564	126
620	Delivery	2,173	1,413	760
124	Communications	571	441	130
178	Human Resources	1,374	1,170	204
1,450	CHIEF EXECUTIVE DEPARTMENT TOTAL	8,986	7,313	1,673
	DIRECTOR OF CHILDREN'S SERVICES			
3,176	Education & Resources	1,934	-2,093	4,027
38	Childrens Community Health	9,219	9,121	98
-3,214	Safeguarding Family & Communities	17,063	21,188	-4,125
0	CHILDREN'S SERVICE TOTAL	28,216	28,216	0
	DIRECTOR OF OPERATIONS SERVICES			
-82	Business Support	405	403	2
-778	Commercial Operations	3,089	3,725	-636
0	Cultural Services	0	0	0
766	Directors Office	804	562	242
0	Environment Capital	0	0	0
-351	Neighbourhoods	6,567	6,766	-199
663	Planning, Environment, Transport & Engineering	9,534	8,692	842
218	OPERATIONS SERVICES TOTAL	20,399	20,148	251
	DIRECTOR OF STRATEGIC RESOURCES			
-5	Director's Office	189	194	-5
152	Business Support	1,811	1,654	157
-471	Corporate Services	21,923	22,326	-403
31	Internal Audit	342	296	46
3	Insurance	25	22	3
-78	Shared Transactional Services	-474	-395	-79
229	Customer Services	645	408	237
-253	Strategic Property	177	489	-312
-46	ICT	2,946	2,948	-2
24	Procurement	296	278	18
246	Business Transformation	1,588	1,306	282
0	Waste & Operational Service Management	12,435	12,435	0
94	Service Improvement	277	194	83
-47	Westcombe Engineering	2	47	-45
40	Cultural Services	4,294	4,199	95
-81	STRATEGIC RESOURCES TOTAL	46,476	46,401	75
425	Corporate Pressures/Solutions	0	-425	425
425	CORPORATE ITEMS TOTAL	0	-425	425
-8,357	ADULT SOCIAL CARE TOTAL	39,850	48,301	-8,451
1,000	Corporate Contingency	0	-1,000	1,000
2,918	Surplus Carry forward as per MTFP 2011	0	-2,918	2,918
-2,427	GENERAL FUND TOTAL	143,927	146,036	-2,109
0	DEDICATED SCHOOL GRANT TOTAL	130,449	130,449	0

Appendix B – Performance Monitoring

Treasury Management Strategy Statement:

Annual Investment Strategy:

The Treasury Management Strategy Statement (TMSS) and Prudential Code for 2011/12 was approved by Council on 23 February 2011. The Council's Annual Investment Strategy, which is incorporated in the TMSS, outlines the Council's investment priorities as follows:

- Security of Capital
- Liquidity

The Council will also aim to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short term, and only invest with Barclay's (the Council's current banking provider), the Debt Management Office and Local Authorities.

As at 29 February 2012 the Council's external investments totalled £8.0m and have yielded interest at an average rate of 0.44% in the financial year to date. The average investment balance for February has fallen from £15m in January to £8m (Table 1). The performance of the investments is just below the target benchmark 7 day rate of 0.48% (Table 2).

Borrowing:

It is a statutory duty for the Council to determine and keep under review the "Affordable Borrowing Limits". Council's approved Prudential Indicators (affordability limits) are outlined in the approved TMSS.

The Council's external long term debt as at 29 February is £132.9m which is at an average fixed rate of 4.52%. Also during February the Council took out temporary borrowing of £5m at a rate of 0.42%. The actual total external debt is measured against the Council's Authorised Limit for borrowing of £378.8m, which must not be exceeded and the Operational Boundary (maximum working capital borrowing indicator) of £279.0m.

Prudential Indicators continue to operate within approved levels.

Table 1: Average Investment Balance

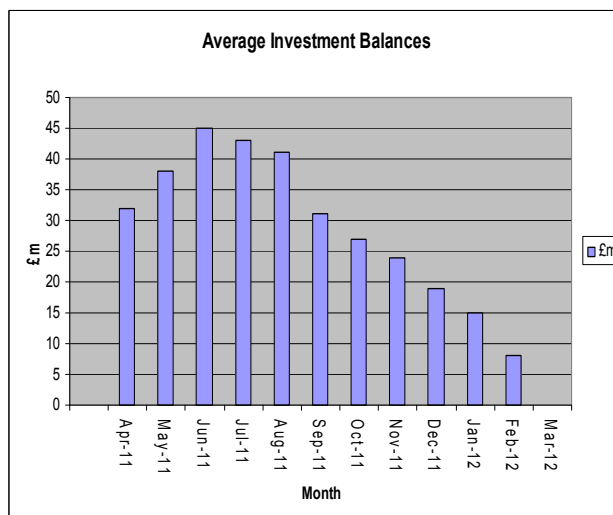


Table 2: PCC Average Interest Rate

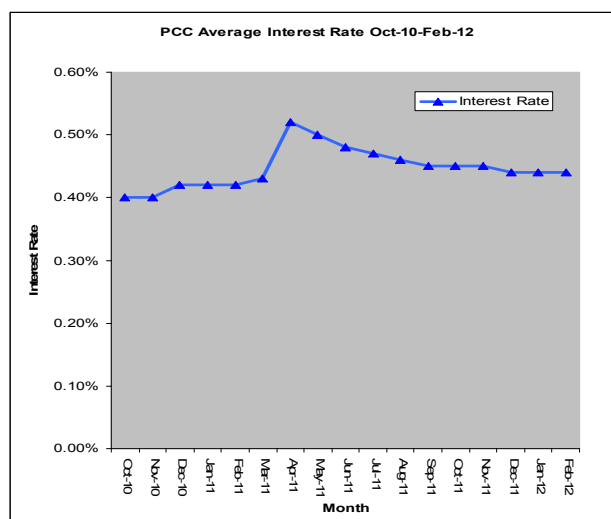


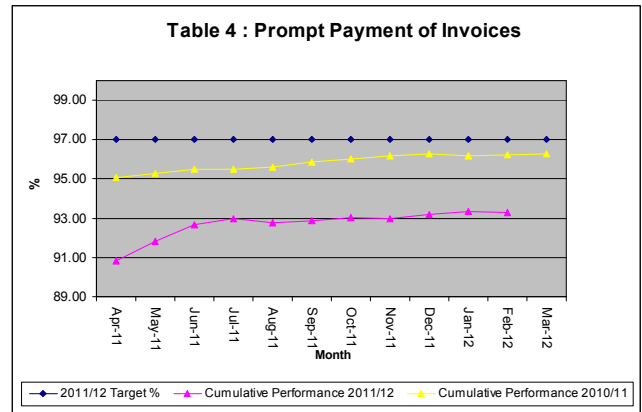
Table 3: Debt Portfolio

Debt Portfolio		
	Principal	Interest per annum
	£m	£m
PWLB	115.387	5.214
Market Loans	17.500	0.793
TOTAL	132.887	6.007

Prompt Payment (Invoices paid within 30 Days)

The accumulative prompt payment of invoices at 29 February is 93.29% against a target of 97.00%. The current performance is shown in comparison to the cumulative performance for 2011/12 in table 4.

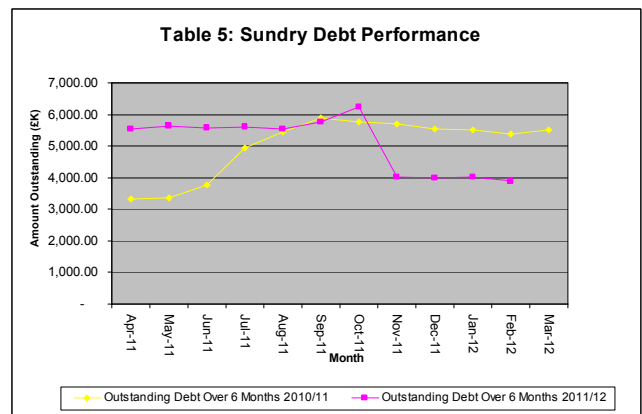
Investigative work is continuing to establish possible reasons why the performance does not appear to improve each month, particularly as there is no backlog in paying the invoices within the team responsible for processing invoices.



Sundry Debt Performance

The current outstanding sundry debt in excess of six months is shown in table 5 as at 29 February 2012.

The top 20 debts total £3.8m of the total debt outstanding on the sundry debt and commercial rents portfolio. In order to progress action against these debts, bi-monthly review meetings have been set up with each Directorate Head of Business Support to discuss issues, disputes and move forward with actions to recover income.

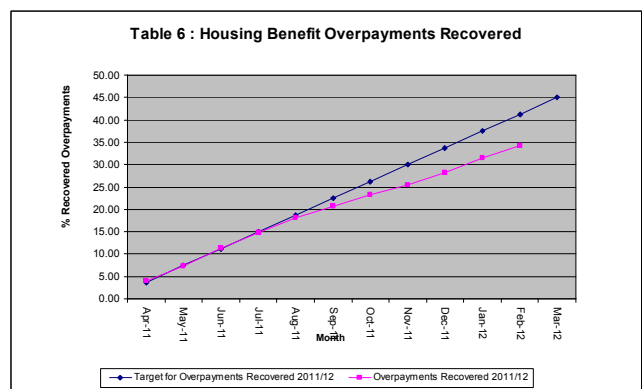


- The amount of debt written off for 2011/12 to date is Nil. A targeted review of sundry debt in excess of six months is currently being undertaken by departments as part of a precursor to closing the accounts for 2011/12.

Housing Benefit Overpayments

Table 6 shows the total amount of housing benefit overpayments recovered against the cumulative target rate set for 2011/12.

Housing benefit overpayment collection for the end of 29 February 2012 was 34.34% against a target of 41.25%. More proactive recovery work on benefit overpayments is planned during March to improve collections.

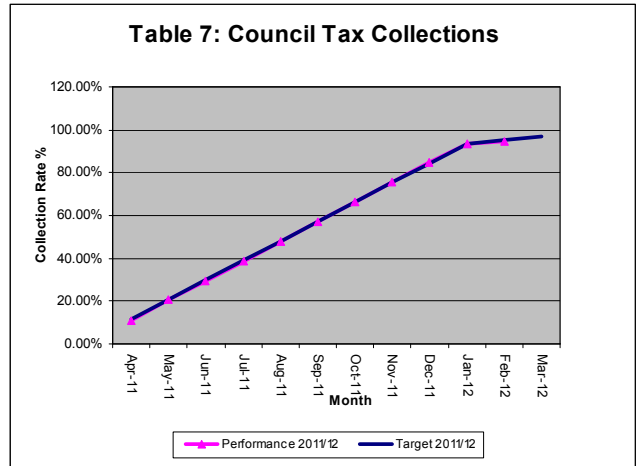


Council Tax and Business Rates Collection

The following tables 7 and 8 show the performance for collection of Council Tax and Business Rates for the period to date.

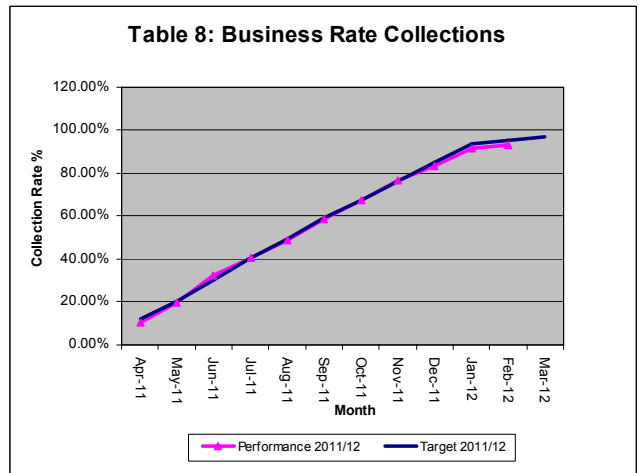
Council Tax

Council Tax collection at 29 February was 94.68% against a target of 95.90%. The forecast target for 2011/12 is 95.50%. The collection of council tax owed during 2011/12 will continue after the close of the financial year and the final collection rate for 2011/12 will be higher.



Business Rates

The collection of non Domestic Rates as of 29 February was 92.94% against a target of 95.47%. The forecast target for 2011/12 is 95.50%. The collection of business rates owed during 2011/12 will continue after the close of the financial year and the final collection rate for 2011/12 will be higher.



CABINET	AGENDA ITEM No. 11
26 MARCH 2012	PUBLIC REPORT

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

UPDATE - PETITIONS

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

1. ORIGIN OF REPORT

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

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to update Cabinet on the progress being made in response to petitions in accordance with Standing Order 13 of the Council's Rules of Procedure.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.3 – 'To take a leading role in promoting the economic, environmental and social well-being of the area'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
---	-----------

4. OUTCOME OF PETITIONS

4.1 Petition requesting a signalised crossing at Dogsthorpe Road and Queen's Drive West junction

This petition was presented to full Council on 22 February 2012 by Nicola Day-Dempsey. The Council's Road Safety Officer responded on 14 March 2012 stating that council and police officers had visited the site and remedial works were being planned including increasing the visibility of the crossing beacons. Road safety campaigns had been carried out in the area and a school crossing patroller was being sought to patrol the site. The request for a signalised crossing had been logged on to the request database and was being assessed by the Transport Planning Team.

5. REASONS FOR RECOMMENDATIONS

- 5.1 Standing Orders require that Council receive a report about the action taken on petitions. As the petitions presented in this report have been dealt with by Cabinet Members or

officers it is appropriate that the action taken is reported to Cabinet, prior to it being included within the Executive's report to full Council.

6. ALTERNATIVE OPTIONS CONSIDERED

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

7. LEGAL IMPLICATIONS

- 7.1 There are no legal implications.

8. BACKGROUND DOCUMENTS

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

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