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PETERBOROUGH CITY COUNCIL SUMMONS TO A MEETING

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

WEDNESDAY 11 JULY 2012 at 7.00 pm

AGENDA

Page No.

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 23 May 2012** 1 - 6

COMMUNICATIONS TIME

4. **Mayor's Announcements**
5. **Leader's Announcements**
6. **Chief Executive's Announcements**

COMMUNITY INVOLVEMENT TIME

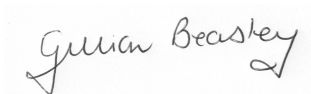
7. **Questions with Notice by Members of the Public**
8. **Questions with Notice by Members of the Council relating to Ward Matters and to Committee Chairmen**
9. **Questions with Notice by Members of the Council to representatives of the Police and Fire Authorities**
10. **Questions with Notice to the Leader and Members of the Executive**
11. **Petitions submitted by Members or Residents**

EXECUTIVE BUSINESS TIME

12. **Questions without Notice on the Record of Executive Decisions** 7 - 14

COUNCIL BUSINESS TIME

- 13. Executive Recommendations
 - a) Safer Peterborough Partnership Plan 15 - 26
- 14. Committee Recommendations
 - a) Neighbourhood Committees 27 - 30
- 15. Notices of Motion 31 - 32
- 16. Reports and Recommendations
 - a) Localism Act - Members' Complaints Procedure 33 - 58



Chief Executive

3 July 2012
Town Hall
Bridge Street
Peterborough

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.



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PETERBOROUGH CITY COUNCIL

MINUTES OF ANNUAL COUNCIL MEETING HELD MONDAY 23 MAY 2012

Present:

Councillors Allen, Arculus, Ash, Casey, Cereste, M Dalton, Davidson, Day, Elsey, Fitzgerald, Fletcher, Forbes, Fower, JR Fox, JA Fox, Goodwin, Harper, Harrington, Hiller, Holdich, Jamil, Johnson, Khan, Knowles, Kreling, Lamb, Lee, Maqbool, Martin, McKean, Miners, Nadeem, Nawaz, North, Over, Peach, Rush, Saltmarsh, Sanders, Sandford, Scott, Seaton, Serluca, Shabbir, Shaheed, Sharp, Shearman, Simons, Stokes, Swift, Sylvester, Thacker, Todd, Thulbourn and Walsh.

Photographs During Proceedings

The Mayor addressed the meeting and requested Members consent to photographs being taking during the ceremonial proceedings as required by the Council's Constitution. Members agreed to photographs being taking during the ceremonial proceedings.

1. Apologies for Absence

Apologies for absence were received from Councillors Murphy and Lane.

2. Election of the Mayor for the Municipal Year 2012 / 2013

The Retiring Mayor requested nominations for the election of Mayor for 2012 / 2013.

Councillor Simons was nominated and seconded.

There being no other nominations, Councillor Simons was duly elected Mayor for the Municipal Year 2012 / 2013.

The Mayor made and signed his Declaration of Office. The retiring Mayor, Councillor Thacker invested the Mayor with his Chain of Office and the retiring Mayor's Consort, Ray Dobbs invested the Mayoress, Mrs Sylvia Simons, with her Chain of Office.

3. Election of Deputy Mayor for the Municipal Year 2012 / 2013

The Mayor requested nominations for the election of Deputy Mayor for 2012 / 2013.

Councillor Stokes was nominated and seconded.

There being no other nominations, Councillor Stokes was duly elected Deputy Mayor for the Municipal Year 2012 / 2013.

The Deputy Mayor made and signed her Declaration of Office. The Mayor invested the Deputy Mayor with her Chain of Office and the Mayor's Consort invested the Deputy Mayoress, Mrs Karien Gate, with her Chain of Office.

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

Councillor Lee proposed a vote of thanks to the retiring Mayor, Councillor Thacker. This vote of thanks was seconded and endorsed by Councillor Cereste. Members agreed to support the vote of thanks.

Councillor Thacker responded to the vote of thanks and expressed her gratitude to all the people who had supported her throughout her term of office as Mayor.

Councillor Thacker further highlighted her key achievements for the year and advised that, to date, she had helped to raise just under £60,000 for her chosen charities.

The Mayor invited Councillor Thacker to receive her Badge of Office in recognition of her service to the city. Upon receiving her Badge of Office, Councillor Thacker presented the retiring Mayor's Consort and Deputy Mayor with their Badges of Office and the retiring Deputy Mayoress with a gift.

A special award was presented by Councillor Thacker to Mr James Deboo OBE for his outstanding contribution to the community.

The Mayor thanked all Members for their support in electing him as Mayor and expressed his thanks to Councillor Thacker for her hard work and dedication over the previous municipal year. The Mayor confirmed his chosen charities for his term of office as The Rudolph Fund and Supporters of Combat Stress.

5. Declarations of Interest

There were no declarations of interest.

6. Minutes of the Meetings held 18 April 2012

The minutes of the meetings held 18 April 2012 were agreed and signed as an accurate record.

7. Results of the Local Elections 2012

The results of the Local Elections 2012 were noted.

Councillor Swift requested that going forward the number of rejected postal ballot papers be included in the rejected figures per ward.

8. Political Groups and Group Officers 2012 / 2013

The membership of Political Groups and their Officers for the Municipal Year 2012 / 2013 were noted.

9. Annual Appointments and Scheme of Delegations

Councillor Cereste addressed the meeting and moved the first two recommendations contained within the report.

Councillor Cereste presented his Scheme of Delegations advising that he would be taking responsibility for a portfolio focusing on strategic growth, planning, economic development, business engagement and environment capital and highlighting priorities for the year including:

- Continue to encourage growth opportunities;
- Major events for the city centre were coming in the next year;
- Continued efficiencies;
- Continue improvements and investment in schools and children's services; and
- Continue to provide housing for families and communities.

Councillor Cereste further thanked former Councillor Samantha Dalton for all of her work over the previous four years and named his Cabinet Members and advisors and their responsibilities, highlighting the administration's priorities for the Municipal Year ahead.

Councillor Lee seconded the recommendations and outlined the growth opportunities for the year ahead.

The Mayor invited Group Leaders in turn to comment on Councillor Cereste's proposals.

Councillor Khan addressed the meeting and raised the following key points:

- The new Cabinet structure was disappointing. The Leader had missed an opportunity to revitalise the city by appointing new Members;
- Following the failure of the Ofsted inspection in Children's Services, the Cabinet Member for Children's Services should not have remained in post;
- Labour group would provide positive and constructive opposition.

Councillor Harrington addressed the meeting and raised the following key points:

- The Members of the Peterborough Independent Forum questioned the Leader's appointment of additional Cabinet Advisors, with the raising of Council Tax and the current number of special responsibility allowances paid to Members, this could not be justified;
- In some Neighbourhood Committees, the ruling political group did not hold the majority, therefore the appointment of Chairman from the ruling political group was questionable;
- Peterborough Independent Forum would also provide constructive opposition.

Councillor Sandford addressed the meeting and raised the following key points:

- Peterborough was a medium sized Authority and it had almost the maximum number of Cabinet Members permitted by Legislation. In times of austerity, why were all these Cabinet Members required alongside an increase in Cabinet Advisors?;
- The situation within Children's Services was extremely serious and the re-appointment of the current Cabinet Member for Children's Services was not perceived to be credible;
- The Leader had previously stated that the Neighbourhood Committee were to be given delegations for a number of areas. This had yet to transpire and Neighbourhood Committees did not appear to be a priority;
- The size of the Cabinet should be reduced and a more meaningful budget should be given to the Neighbourhood Committees.

Councillor Cereste summed up and he stated that he appreciated the comments made by the Group Leaders and that decisions made had been based on the facts available to him at that time. Councillor Cereste further stated that he stood by his decision to retain Councillor Scott as Cabinet Member for Children's Services and that Neighbourhood Committees would continue to be given more powers and greater budgets going forward.

Following debate a vote was taken (31 for, 11 against, 10 abstentions) and it was **AGREED**:

1. and 2. To note the decision taken at Annual Council on 16 May 2011 to elect the Leader for a period of four years and the Leader's appointment of Cabinet members and their portfolios for 2012/13 municipal year.

Councillor Cereste addressed the meeting and moved the third recommendation contained within the report which was to approve the Council's new committee structure and to note the revised programme of meetings for 2012/13.

Councillor Lee seconded the recommendation and reserved his right to speak.

Councillor Sandford declared an objection to the committee structure and furthermore to the exemption of certain committees from the political balance calculation in accordance with Section 17 of the Local Government Act 1989. Councillor Sandford further outlined his reasons for objection, including:

- The merging of the two Scrutiny Committees, with the largest ranges of responsibility, was done without consultation with Group Leaders or other party members;
- There had been no proper negotiation between parties with regards to the composition of Committees. The Liberal Democrats had been given the seats that no other Party had wanted and this was unacceptable.

Councillor Lee addressed the meeting and stated that the inclusion of Committees which had been exempt from political balance would have no real affect on the Committee structure.

The Legal Officer clarified that if any Member voted against the recommendation, a recess would be taken in order allow for an amendment to be made to the recommendation.

A vote was taken (42 for, 4 against, 6 abstentions) and the recommendation was **REFUSED**.

The meeting was adjourned for 10 minutes to allow amended paperwork, incorporating all committees into the political balance calculations, to be circulated.

The meeting was reconvened and the amended committee structure, along with the revised programme of meetings, was moved by Councillor Cereste and seconded by Councillor Lee, who reserved his right to speak and commented on how the revised structure had in no way benefitted the Liberal Democrats group.

A vote was taken (47 for, 4 against, 2 abstentions) and it was **AGREED**:

3. To note the amended committee structure and the revised programme of meetings for 2012 / 2013.

Councillor Cereste addressed the meeting and moved the fourth, fifth, sixth and seventh recommendations contained within the report, these being for Council to agree the Terms of Reference of Committees and the Council's Scheme of Delegations; to agree the allocation of seats to Political Groups; to appoint the Chairmen and Vice Chairmen of the Council's Committees and Committee Memberships for 2012 / 2013 and its representatives to serve on the Fire Authority and the Joint Selection Panel for the Police Authority, with an amendment being that Councillor Harper to be Chairman of the Fletton, Stanground and Woodston Neighbourhood Committee; and lastly to delegate the consequential updating of the Constitution to the Monitoring Officer.

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

Councillor Sandford moved an amendment to the report, detailing the Chairmen and Committee Membership for 2012 / 2013. The amendment proposed that Councillor Fower be appointed as Chairman of the Peterborough North Area Committee. Councillor Sandford

stated that the Council had chosen to impose its own Chairman and the composition of the Peterborough North Area Committee meant that the Liberal Democrats, having the largest proportion of seats, should be entitled to the Chair of that Committee.

This motion was seconded by Councillor Fower, who also stated that if he was appointed as Chairman he would forego his additional allowance to enable this to be utilised in the community.

Following a brief debate a vote was taken (5 for, 30 against, 20 abstentions) and the amended was **DEFEATED**.

Following brief debate on the original recommendations, as proposed by Councillor Cereste and seconded by Councillor Lee, a vote was taken (29 for, 5 against, 18 abstentions) and it was **AGREED**:

4. That the Terms of Reference for the Committees and Commissions, as referred to in the order paper at Appendix D, be agreed;
5. That the amended allocation of seats to political groups, incorporating changes to the committees that are subject to political balance calculations, be agreed;
6. That the Chairmen and Vice-Chairmen of the Committees and Chairmen of the Neighbourhood Committees and the Committee Memberships for 2012/13 including co opted members and appointments to the Fire Authority and the Joint Selection Panel for the Police Authority, as set out in the amended paper to incorporate the revised political balance arrangements, be agreed 13 (with an amendment that Cllr Harper be chairman of the Fletton, Stanground and Woodston Neighbourhood Committee); and
7. That consequential updating of the Constitution, including those updates arising from the above, is delegated to the Monitoring Officer and the revised members remuneration allocation at Appendix G be noted.

The Mayor
18.30 – 20.35

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COUNCIL	AGENDA ITEM No. 12
11 JULY 2012	PUBLIC REPORT

**EXECUTIVE REPORT – FOR INFORMATION
RECORD OF EXECUTIVE DECISIONS**

1. DECISIONS EXPECTED FROM CABINET MEETING ON 10 JULY 2012

ARMED FORCES COMMUNITY COVENANT

Cabinet received a report seeking agreement on the adoption of the Armed Forces Community Covenant for the City of Peterborough. The Armed Forces Community Covenant is a statement of mutual support between the Armed Forces community and the civilian community in Peterborough.

Cabinet considered the report and **RESOLVED** to:

1. Adopt the Armed Forces Community Covenant for the City of Peterborough.

OLDER PEOPLE’S ACCOMMODATION STRATEGY - 2012

Cabinet received a report seeking approval from Cabinet for the Peterborough Older People’s Accommodation Strategy 2012 and for Cabinet to agree adoption of the strategy and consequent consultation on the proposed closure of the two care homes: Greenwood House and Welland House.

Cabinet considered the report and **RESOLVED** to:

1. Approve the refreshed Peterborough Older People’s Accommodation Strategy and;
2. Authorise consultation with residents and families, and appropriate staff, on the proposed closure of the two care homes: Greenwood House and Welland House.

ENDORSEMENT OF THE 2012-13 OPPORTUNITY PETERBOROUGH BUSINESS PLAN

Cabinet received a report to endorse the Opportunity Peterborough annual business plan. As sole funder it is important that the council is satisfied that the draft business plan will deliver the objectives agreed.

Cabinet considered the report and **RESOLVED** to:

1. Endorse the 2012/13 business plan for Opportunity Peterborough.

DELIVERY STRATEGY FOR SOUTH BANK AND SURROUNDING AREAS

Cabinet received a report to consider the outcomes of the review of the options for delivery of the Riverside Opportunity Area and to agree the way forward.

Cabinet considered the report and **RESOLVED** to:

1. Agree that the South Bank Opportunity Area (SBOA) is renamed as the Riverside Opportunity Area (ROA).
2. Agree that the embankment and areas north of the river and Pleasure Fair Meadows car park are included within the ROA as shown in the plan at Appendix 1.
3. Agree the proposed delivery strategy for ROA and the outline scope of development as detailed in the report.
4. Delegate authority to the Head of Growth & Regeneration in consultation with the Leader of the Council and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital, the Executive Director Strategic Resources and the Solicitor to the Council to procure a joint venture partner(s) to participate in a corporate joint venture with the council for the delivery of parts of the ROA including but not limited to Fletton Quays.
5. Delegate authority to the Head of Growth & Regeneration in consultation with the Leader of the Council and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital, the Executive Director Strategic Resources and the Solicitor to the Council to negotiate with the freeholders to acquire land and assets necessary to support the successful development of the ROA up to a limit of £3m, subject to due diligence and a viable business case; to be funded through:
 - a. Up to £1m through the existing corporate Invest To Save budget in this financial year, for those assets where a clear Invest To Save business case can be demonstrated; and
 - b. Up to £2m for other assets, for which Cabinet is asked to support a growth bid for the FY13/14 budget process.
6. Support a growth bid in FY13/14 for £600k to cover the procurement and establishment of the Joint Venture.

DEVELOPMENT OF GROUND MOUNTED SOLAR PHOTOVOLTAIC (PV) PANELS (SOLAR FARMS) AND WIND TURBINES

Cabinet received a report seeking its approval for the development and delivery of ground mounted solar photovoltaic (PV) panels, known as solar farms, wind turbines and other types of renewable energy schemes on sites within the Peterborough area.

Cabinet considered the report and **RESOLVED** to:

1. Approve the outline strategy for the development of renewable energy parks at the three council owned agricultural sites identified in para 4.11.1 of this report, to include Ground Mounted Solar PV (solar farms), wind turbines or other types of renewable energy schemes;
2. Note that the delivery of the outline strategy for the above sites is subject to further due diligence and studies around planning, environmental, technical and financial issues;
3. Delegate authority to the Executive Director – Strategic Resources in consultation with the Leader of the Council and/or Cabinet Member for Resources to:
 - (i) identify further sites for development in the vicinity of the three sites set out in para 4.11.1, and carry out appropriate project appraisal studies in relation to

- them, and if not already in Council ownership to negotiate the acquisition of those sites or interests in them, (subject to further decisions of cabinet or the relevant cabinet member to approve such acquisitions before any commitment is made, as set out in recommendation 4 below);
- (ii) to award contracts in respect of all sites identified as suitable for renewable energy projects for project appraisal studies and associated professional support;
 - (iii) to extend the current contract with AECOM for project appraisal studies and other preparatory work, if required, (see para 4.7), as the current financial limit is unlikely to be sufficient to carry out all work preparatory to development on multiple sites;
4. Note that subject to the outcome of the necessary studies and negotiations a further report will be brought back to Cabinet prior to submitting any planning applications and conclusion of negotiations; and
 5. Approve the use of the Invest to Save budget to deliver the strategy, as outlined in para 4.21, including the need to ensure updates are included in the next refresh of the MTFS as necessary.

POLICE AND CRIME PANEL

Cabinet received a report requesting it agree to the foundation of the Cambridgeshire Police and Crime Panel as a joint committee of the seven Cambridgeshire authorities and to nominate and appoint members to the Panel. Furthermore Cabinet was invited to agree that Peterborough City Council shall be the host authority to facilitate the operation of the Panel.

Cabinet considered the report and **RESOLVED** to:

1. Agree to establish the Cambridgeshire Police and Crime Panel as a joint committee of the Cambridgeshire local authorities as defined in Section 28 of the Police Reform and Social Responsibility Act 2011
2. Agree that Peterborough City Council will be the host authority for the Panel.
3. Agree the nomination and appointment of three members and three substitute members of the Council to the panel as set out in paragraph 4.14 and authorises the Leader of the Council to appoint to any position becoming vacant
4. Agree to delegate authority to the Solicitor to the Council to finalise the terms of the panel arrangements for the Cambridgeshire Police and Crime Panel, provided that the agreement is substantially in the form attached to this report

BUDGET MONITORING REPORT FINAL OUTTURN 2011/12

Cabinet received a report to informing it of the final financial position for revenue and capital at 31 March 2012 and approve the reserves position for the council. The report also contained performance information on treasury management activities, the payment of creditors, collection performance for debtors and local taxation and benefit overpayments.

Cabinet considered the report and **RESOLVED** to:

1. Note the final outturn position on the council's revenue budget 2011/12 of £678k overspend, including the improvement of £1,431k since the provisional outturn position;

2. Note the final outturn position on the council's capital budget 2011/12;
3. Approve the reserves position for the council and note the refreshed five year forecast.
4. Note the performance against the prudential indicators;
5. Note the performance on treasury management activities, payment of creditors in services and collection performance for debtors, local taxation and benefit overpayments; and
6. Note that the uncertainty of local government funding arrangements from 2013/14 onwards, including the impact of the economic outlook and potential consequences on the level of reserves that council will deem to be sufficient under the new local government funding arrangements.

IMPROVING CHILDREN'S SERVICES UPDATE

Cabinet received a report updating it with details of improvement actions undertaken since the March Cabinet meeting in response to the findings of the Ofsted Inspection of Safeguarding carried out in August 2011.

Cabinet considered the report and **REOSLVED** to:

1. Note the improvement activity and progress within Children's Services.

OUTCOME OF PETITIONS

Cabinet received a report to updating Cabinet it on the progress being made in response to petitions in accordance with Standing Order 13 of the Council's Rules of Procedure.

Cabinet considered the report and **RESOLVED** to:

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

2. CALL-IN BY SCRUTINY COMMITTEE OR COMMISSION

Since the previous report to Council, the call-in mechanism has not been invoked.

3. SPECIAL URGENCY AND WAIVE OF CALL-IN PROVISIONS

Scrutiny Procedure Rule 14 and Executive Procedure Rule 7 require any instances where the Council's special urgency provisions have been invoked, and/or the call-in mechanism was not applied, to be reported to the next available meeting of the Council, together with reasons for urgency.

Since the last report to Council special urgency provisions have not been invoked.

4. CABINET MEMBER DECISIONS

CABINET MEMBER AND	REFERENCE	DECISION TAKEN
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DATE OF DECISION		
Councillor Holdich 11 April 2012	APR12/CMDN/045	<p>Award of contract: Hampton Community School</p> <p>The Cabinet Member for Education, Skills and University authorised the award of a contract to Kier Construction - Eastern for the construction of Hampton Community School. The value of this contract is estimated to not exceed £9,500,000.</p>
Councillor Seaton 11 April 2012	APR12/CMDN/046	<p>Supporting People Programme - Specific Grant Agreements for Accommodation Based Housing Related Support</p> <p>The Cabinet Member for Resources authorised the award of specific grant agreements for the continued provision of accommodation based housing related support funded by the Supporting People programme to the following organisations for the period 1 April 2012 to 31 March 2013:</p> <ul style="list-style-type: none"> • Cross Keys Homes - £230,917.72 • Axiom Housing Association - £750,255.19 • Peterborough Women's Aid - £60,205.69 • Genesis Housing Association - £62,116.65 • Stonham - £122,291.94 • Cambridgeshire & Peterborough YMCA - £277,843.77 • Accent Nene Housing Association - £13,129.00 • Anchor Trust - £12,499.94 • Hanover Housing Association - £6,576.96 • Housing 21 Housing Association - £2,832.34 • Minster Housing Association - £16,991.38
Councillor Cereste 16 April 2012	APR12/CMDN/047	<p>Greater Cambridge Greater Peterborough Local Enterprise Partnership (LEP): incorporation as a Company Limited by Guarantee</p> <p>The Leader of the Council:</p> <ol style="list-style-type: none"> 1) Agreed to Peterborough City Council becoming a corporate member of the LEP; and 2) Approved the inclusion of the Greater Cambridge Greater Peterborough Enterprise Partnership Ltd. as an appointment opportunity in accordance with the process for appointments to External Organisations and its inclusion in the strategic and executive category, the presumption is that the Executive allocates them to the Political Administration.
Councillor Seaton 26 April 2012	APR12/CMDN/048	<p>Award of Framework for Supply of Utilities</p> <p>The Cabinet Member authorised:</p> <ol style="list-style-type: none"> (i) The procurement of the Council's utilities supply for

		<p>gas and electricity and other associated additional added-value sustainable energy services through the Government Procurement Service (GPS), a Central Government Purchasing Body through EU competitively tendered Framework Agreements for Supply of Gas and Electricity and other associated sustainable energy services governed by the conditions of contract for framework reference RM457 Natural Gas Supply, Ancillary and Associated Services through Corona Energy Retail 4 Ltd and RM550 Energy – Non Half Hourly Electricity and Half Hourly through British Gas Trading Ltd and EDF Energy respectively, commencing in April 2012, until 31st March 2014. It is anticipated that the estimated spend across this commodity based on the 2012/2013 Council Budget allocation will be £629K for gas and £1.5 million for electricity;</p> <p>(ii) the Executive Director - Strategic Resources to call off the Electricity Framework, associated additional added value sustainable energy services, as and when developed by the supplier, under a delegated authority to award further contracts through individual approved business cases; and</p> <p>(iii) the payment of all energy invoices called off from this framework until 31st March 2014.</p>
<p>Councillor Seaton</p> <p>8 May 2012</p>	MAY12/CMDN/049	<p>Fellowes Gardens Regeneration</p> <p>The Cabinet Member for Resources approved the granting of £356,000 to Cross Keys Homes Ltd for the regeneration works at Fellowes Garden, Fletton.</p>
<p>Councillor Cereste</p> <p>1 June 2012</p>	JUN12/CMDN/050	<p>Affordable Housing Capital Funding award for Windsor Avenue site</p> <p>The Leader of the Council approved the allocation of £230,000 from the Affordable Housing Capital Fund to Longhurst and Havelok Homes (L&H) to enable the delivery of 13 affordable housing units to be provided on a proposed development site at Windsor Avenue in Walton, Peterborough.</p>
<p>Councillor Holdich</p> <p>29 May 2012</p>	JUN12/CMDN/051	<p>Appointment of Authority Governor - Peakirk cum Glington</p> <p>The Cabinet Member appointed Mrs Julia Robinson as authority governor to Peakirk cum Glington CofE Primary School nominated by the Chair of Governors.</p>
<p>Councillor Walsh</p> <p>13 June 2012</p>	JUN12/CMDN/052	<p>Section 75 Agreement with NHS Peterborough for Drugs and Alcohol Services</p> <p>The Cabinet Member authorised the extension and variation of the existing Partnership Agreement under Section 75 of the National Health Service Act 2006 with NHS Peterborough to deliver integrated substance</p>

		<p>misuse services. The Partnership Agreement will be extended until 31 March 2013 to cover the period until the changes relating to health commissioning and future of primary care trusts come into effect, and reflect any changes in the funding levels.</p>
<p>Councillor Walsh</p> <p>27 June 2012</p>	<p>JUN12/CMDN/053</p>	<p>Award of a Framework for Temporary Staff for Children's Services</p> <p>The Cabinet Member authorised the award of a place on the Council's framework agreement and subsequent award of contract relating to the supply of Social Care Temporary Agency Workers to:</p> <ul style="list-style-type: none"> • Eden Brown • Sanctuary • Medicare First • Pulse <p>until 30th April 2013, with the option to extend for up to two twelve month periods at the Council's discretion.</p>

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COUNCIL	AGENDA ITEM No. 13
11 JULY 2012	PUBLIC REPORT

EXECUTIVE REPORT – RECOMMENDATIONS

(a) SAFER PETERBOROUGH PARTNERSHIP 3 YEAR PLAN

Cabinet at its meeting of 10 July 2012 will receive a report presenting the refreshed version of the Safer Peterborough Partnership Plan seeking Cabinet endorsement prior to Full Council.

After considering the report, Cabinet is expected to agree the recommendations in the report as below:

IT IS RECOMMENDED that Council approves the 2012 revision of Safer Peterborough Partnership 3-year Plan (2011-2014).

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CABINET	AGENDA ITEM No. 7
10 JULY 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Irene Walsh, Cabinet Member for Community Cohesion and Safety	
Contact Officer(s):	Adrian Chapman, Head of Neighbourhoods Gary Goose, Safer Peterborough Strategy Manager	Tel: 01733 863887 Tel: 07801 180312

SAFER PETERBOROUGH PARTNERSHIP 3 YEAR PLAN

R E C O M M E N D A T I O N S	
FROM : Executive Director Operations	Deadline date: N/A
1. That Cabinet endorse the 2012 revision of Safer Peterborough Partnership 3-year Plan (2011-2014) and recommend it to Full Council for approval.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following Strong and Supportive Communities Scrutiny Committee held on 7th March 2012.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to present the refreshed version of the Safer Peterborough Partnership Plan to Cabinet seeking Cabinet approval prior to Full Council.
- 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?	YES	If Yes, date for relevant Cabinet Meeting	10 July 2012
Date for relevant Council meeting	11 July 2012	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4. THE SAFER PETERBOROUGH PLAN 2011-2014

- 4.1 The Crime and Disorder Act 1998, revised by the Police and Justice Act 2006, requires that the Community Safety Partnership publishes a three-year Partnership Plan which is reviewed and refreshed annually. Peterborough's three-year plan was agreed by the Community Safety Partnership and Council in 2011 and covers the period 2011-14. This report brings the refreshed version and priorities for 2012 supporting the 2011-14 full plan.

- 4.2 This plan has been agreed by the Community Safety Partnership (the Safer Peterborough Partnership) at its meeting of 29th February 2012.
- 4.3 The Crime and Disorder Act 1998 requires that a Community Safety Partnership is formed by the bringing together of agencies who have a statutory responsibility for tackling crime and disorder in the local area. It is acknowledged that far more can be achieved to make Peterborough a safer place if agencies work together rather than in isolation.
- 4.4 The Crime and Disorder Act specifies the responsible authorities as:
Peterborough City Council,
Cambridgeshire Constabulary,
NHS Peterborough,
Cambridgeshire Fire Authority,
Cambridgeshire Police Authority and,
Cambridgeshire and Peterborough Probation Trust.
- 4.5 The partnership also invites other agencies who are able to contribute to the work to *co-operate*, in Peterborough Cross Keys Homes (representing Registered Social Landlords in the city) fulfil this role. .
- 4.6 Other agencies, particularly from the voluntary and community sector are also *invited to participate* in the work of the Partnership. At present these organisations are Peterborough and Fenland MIND, Peterborough Racial Equality Council, HMP Peterborough and the Social Impact Bond. Other voluntary groups are represented across other partnership groups.
- 4.7 The Safer Peterborough Partnership is one of the partnerships that comprise the Greater Peterborough Partnership.
- 4.8 Section 17 of the Crime and Disorder Act 1998 places a legal duty upon the named responsible authorities to consider the community safety implications in all of their actions.
- 4.9 The priorities within the Partnership Plan are agreed following a Strategic Assessment which considers the performance in the previous twelve months and takes into account the concerns of the public.
- 4.10 The plan represents of a new way of tackling crime and disorder within our City.
- 4.11 It builds on the success of the last year in driving down rates of reported crime. It will demonstrate commitment to Peterborough's preventative agenda by clear linkage with the City's Sustainable Community Strategy whilst not losing the focus on tackling here and now issues of crime, disorder and community safety within our neighbourhoods.
- 4.12 This plan will demonstrate the direction of travel for making the City and its people safer.
- It will show our resolve in protecting those who are vulnerable within our communities.
 - It will be clear about our partnership's commitment to tackling the underlying causes of offending but will be equally clear that those who continue to offend or bring risk of harm to our City will be targeted with the full weight of the criminal justice system.
 - It will illustrate how we intend our approach to be sustainable and improve the lives of the people living, working and visiting our City.
- 4.13 This three year plan will need to be flexible, adaptable and responsive to the ever changing landscape of financial restraint, the drive for localism and greater community engagement, changes in funding arrangements and partner organisations all undergoing individual and significant structural reviews. In particular it takes account of the introduction of the Policing and Crime Commissioner during November 2012.

- 4.14 This new approach, freed of considerable bureaucracy, aims to bring long-term sustainable reductions in crime and disorder and to lead in the creation of stronger, supportive and cohesive communities.
- 4.16 A summary document will be published to ensure that the public can clearly understand the priorities and improvement targets set.
- 4.17 The priorities set out in the Plan attached are:
- Reducing Crime
 - Tackling anti-social behaviour and hate crime
 - Building stronger and more supportive communities.
- 4.18 For each of the priority areas, improvement targets will be identified that we believe will reflect the work that we are going to be doing and allow both the partnership and the public to measure whether or not we have been successful.

5. CONSULTATION

- 5.1 The development of this Plan has been informed through extensive consultation and engagement with officers, partners and members of the public throughout the previous year.

6. ANTICIPATED OUTCOMES

- Reductions in crime
- Reductions in anti-social behaviour
- Stronger and more supportive communities
- Increased confidence and satisfaction in the Community Safety Partnership

7. REASONS FOR RECOMMENDATIONS

- 7.1 The Crime and Disorder Act 1998, revised by the Police and Justice Act 2006, requires that the Community Safety Partnership publishes an annual Partnership Plan.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The previous partnership plan ran from 2008 – 2011.

9. IMPLICATIONS

- 9.2 There are no financial implications for this plan.
- 9.3 There is a statutory responsibility for the Safer Peterborough Partnership to produce this annual plan.

10. BACKGROUND DOCUMENTS

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

Crime and Disorder Act 1996

Police and Justice Act 2006

Policing and Crime Act 2009

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Safer Peterborough Partnership Plan 2011-14

2012 Priorities

Safer Peterborough Partnership Plan 2012



SAFER PETERBOROUGH PARTNERSHIP

COMMUNITY SAFETY PRIORITIES 2012

(Part of the 2011-14 three-year Safer Peterborough Partnership Plan)

Our Vision Statement

Peterborough Together: reducing crime, building safe and confident communities

1. INTRODUCTION

The plan provides details of the Safer Peterborough Partnership's priorities for 2012.

This does not replace the three-year Safer Peterborough Partnership Plan 2011-2014, rather it should be read as an addendum representing a continuation of the three-year journey to reduce crime in our City.

It continues with the three-year plan's overall strategy and strengthens our approach in tackling the root causes of crime rather than reactively responding only to the symptoms.

2. LEGISLATIVE FRAMEWORK

This plan is written in accordance with the responsibilities placed upon Community Safety Partnerships as set out within the Crime and Disorder Act 1998. It represents the annual refresh of the three-year plan as mandated within the above named Act.

Full details of the legislative framework can be found within section 2 of the aforementioned three-year plan.

3. THREE YEAR PRIORITIES

The three-year partnership plan identified three areas of overarching priority for its duration. These priorities will remain for the coming year; the partnership will concentrate its resources on activity to support these priorities. The overarching priorities remain:

- **Reducing crime**
- **Tackling anti-social behaviour and hate crime**
- **Building stronger and more supportive communities.**

The Partnership will continue to have only **one target**: a 10% reduction in victim based crime over the three year duration of the plan.

Safer Peterborough Partnership Plan 2012

In addition to our single target we will continue to monitor our performance against our peers with a view to:

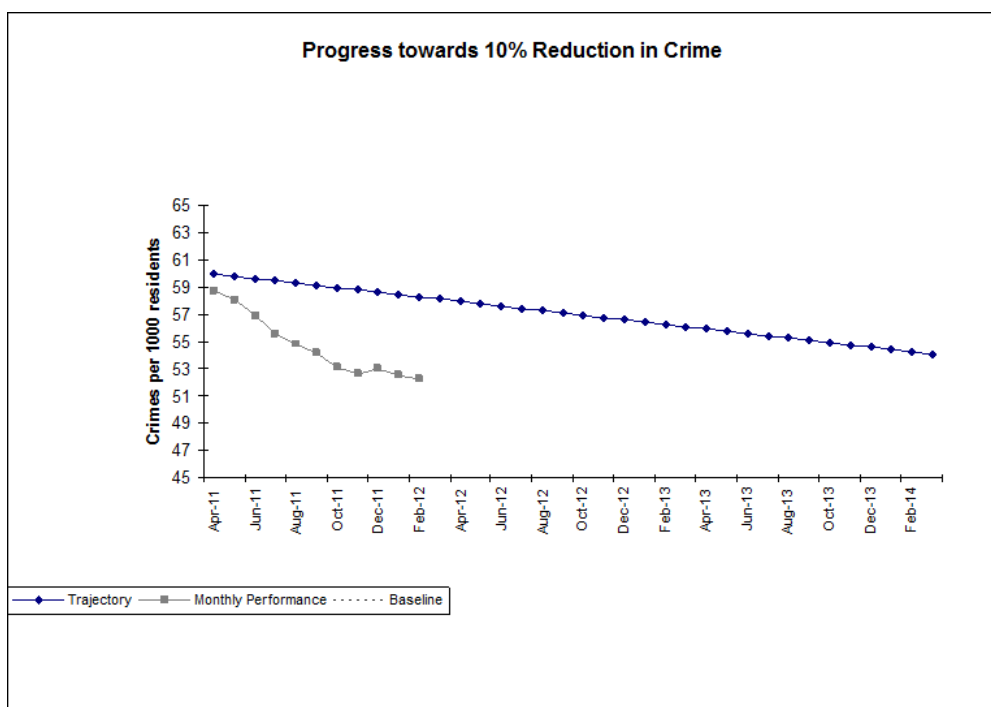
- Continuous improvement;
- Closing the gap on our peers;
- Out-performing our most similar group's average crime rates.

A performance framework will support this single target and will continue to be reported to the Partnership Board on a monthly basis.

4. BACKGROUND

This plan is informed by the 2012 Safer Peterborough Partnership Strategic Assessment which sets out a number of recommendations for continuing the fight against crime and continuing to make Peterborough a safer place.

2011 has seen significant success in reducing the numbers of victims of crime within the City. To the end of February 2012, the rolling twelve month average shows a reduction in crime of 13.1% representing over **1300** fewer victims of crime. Whilst this is a significant improvement for the City there is much work still to be done to reduce Peterborough's traditionally high level of crime when compared to its peers.



The three-year plan is clear that the Partnership will be committed to tackling the **underlying causes of crime and offending**, but **equally clear** that **those who continue** to break the law will be **targeted** with the full weight of the criminal justice system. It remains the Partnership's view that this approach will bring sustainable reductions in crime by preventing crime and escalation in offending further 'upstream'.

The Partnership will ensure that the direction of travel for community safety work in the City places the law abiding citizen at the heart of its approach and one of its priority work streams will reflect this.

The Partnership will therefore **continue to support** our statutory agencies in delivering their own core function but will co-ordinate and lead on the work where it feels it can **provide the biggest impact - that of prevention**.

Safer Peterborough Partnership Plan 2012

The Partnership will continue to develop its multi-agency team approach to tackling the underlying causes of crime and it is these areas that will form the basis for continuing partnership activity for the coming twelve months.

The benefit of such a multi-agency approach is clear when analysis of the economic burden of crime on the City is undertaken. The Partnership will continue to monitor and demonstrate the value for money of its preventative approach: crime costs the City almost £50m a year in economic and social costs. A priority work stream to demonstrate the cost avoidance and direct financial impact of this work will continue in the coming year.

A preventative approach will reduce this burden on the police, the fire service, the health service, the probation service and other criminal justice agencies.

	Number of Peterborough crimes ¹	Estimated cost	% of Total Crime	% Total Cost
Violence against the Person	2544	£23,233,287	18.4%	47.9%
Most Serious Sexual Offences	204	£7,538,208	1.5%	15.6%
Serious Acquisitive Crime	2326	£7,461,012	16.8%	15.4%
Commercial Burglary	884	£4,073,472	6.4%	8.4%
Theft and Handling	4780	£2,708,620	34.5%	5.6%
Criminal Damage	3045	£3,429,325	22.0%	7.1%
Attempted Vehicle Theft	67	£41,339	0.5%	0.1%

True and sustainable change comes from within and as such the Partnership will continue to support the work of the Council in integrating its approach to neighbourhood management with the community safety agenda by the development of community action plans for each of the seven neighbourhood areas of the City. These are long-term plans to improve the quality of life in each area and the Partnership supports the view that improving quality of life and equality of opportunity for all will reduce crime and anti-social behaviour.

The integration of public health within the local authority will also add an extra and important dimension in helping to tackle the long term effects of crime, as well as playing its part in preventing the opportunity for offending behaviour to deteriorate; in particular this will include developing further links with mental health and learning disability professionals in order that the most vulnerable victims and offenders gain the support they need.

During 2011 the City has continued to develop its Single Delivery Plan (SDP). The Partnership is committed to playing its part in moving the City forward by embracing the guiding principles of the SDP:

- Outcomes not organisations
- Tackling root causes
- Being innovative
- Embracing localism

Programme 6 of the Single Delivery Plan is dedicated to reducing crime and the Safer Peterborough Partnership Board will continue to act as the Programme Board for this area of work.

5. SAFER PETERBOROUGH PRIORITY WORKSTREAMS

Having taken into account the 2012 Strategic Assessment, the three-year plan and the professional judgement of officers, areas of work have been identified that will form the priority work streams for the partnership for the coming year. Each area will have a City strategy together with a clear action plan that will drive its work.

¹ December 2010 - November 2011

Safer Peterborough Partnership Plan 2012

The identified areas are as follows:

- **Reducing reoffending** by supporting the Probation Service where possible with its statutory clients and the Social Impact Bond with its cohort of voluntary clients but also by continuing to develop an integrated approach to offender management (IOM) for those offenders who present the biggest risk of reoffending within the City.
- **Developing modern, effective and efficient substance misuse (drugs and alcohol) schemes** that play a significant role in reducing offending and reducing the harms to our community and individuals suffering from drug misuse and addiction.
- **Developing the Neighbourhood Management model** by supporting a neighbourhood management and integrated approach to neighbourhood delivery that is responsive to local needs and concerns improving the long-term quality of life in our communities. It will link the Neighbourhood Managers with community safety issues and ensure that the neighbourhood management approach is central to long-term improvements across our City.
- **Developing an over-arching strategy on Domestic Abuse** that includes all of the partners on whom domestic abuse impacts; the strategy will interlink this individual work and ensure a consistent and coherent response.
- Improving perceptions of safety in Peterborough City Centre by prioritising **violent crime linked to the night time economy**. This will ensure that those socialising in the City Centre feel safe and will further secure Peterborough's reputation as a primary destination for visitors and investors.
- **Making Peterborough's roads safer** by addressing anti-social road use and ensuring that the numbers of those killed or seriously injured on Peterborough's roads continues to decrease.
- **Anti-social behaviour and improving quality of life in our neighbourhoods** is a priority at the heart of many of our communities in Peterborough. We will continue to deliver support for victims of anti-social behaviour and develop further preventative work to root out the causes of anti-social behaviour in our neighbourhoods.
- **Targeting the families that cause most harm, cost and disruption to the City** by supporting the Family Recovery Project and other initiatives to help those families with complex needs who are at risk of losing their children, their liberty or their homes.
- **Ensuring victims, witnesses and law abiding citizens are at the centre of our work.**

By close scrutiny and monitoring of its performance framework, the Partnership will respond quickly to areas of additional concern and may from time to time initiate short-term task and finish groups and plans to address issues. These will be reported to the Partnership Board.

6. CONCLUSION

In conclusion, this plan sets out the Safer Peterborough Partnership's desire to make real and long lasting positive improvements to the safety and perceptions of safety within our City. It is innovative in that it does not simply concentrate on traditional categories of crime; but does that in the knowledge that this approach is already making real change in the city and in with belief in the City's preventative agenda.

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COUNCIL	AGENDA ITEM 14(a)
11 JULY 2012	PUBLIC REPORT

NEIGHBOURHOOD COMMITTEES – CHAIRMEN AND SPECIAL RESPONSIBILITY ALLOWANCES

R E C O M M E N D A T I O N S
FROM : Peterborough North Area Committee; Dogsthorpe, East and Park Neighbourhood Committee; and Central and North Neighbourhood Committee
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the request of the Peterborough North Area Committee, and the opinions of the Dogsthorpe, East and Park and Central and North Neighbourhood Committees; 2. Delegates to the following neighbourhood committees: Peterborough North Area (N&W2); Dogsthorpe East and Park (C&E2); and Central and North (C&E1); the authority to appoint their own Chair at the first meeting following Annual Council each year, and upon any vacancy arising; 3. Agrees that the Special Responsibility Allowance (SRA) allocated to the chairmen of the Peterborough North Area (N&W2), Dogsthorpe East and Park Neighbourhood (C&E2) and Central and North Neighbourhood (C&E1) Committees be withdrawn and the budget made available for those Neighbourhood Committees to spend in their areas; and 4. Requests the Solicitor to the Council to amend the constitution accordingly.

1. PURPOSE AND REASON FOR REPORT

1.1 This report is presented to Council following requests from the Peterborough North Area Committee on 12 June, the Dogsthorpe, East and Park Neighbourhood Committee on 14 June and the Central and North Neighbourhood Committee on 19 June to amend the way that the chairmen of the Neighbourhood Committees are appointed and to remove the Special Responsibility Allowances payable to them.

2. BACKGROUND (AND CONSULTATION)

2.1 Following adoption of recommendations made by the Strong and Supportive Scrutiny Committee task and finish group, the Neighbourhood Committee Procedure Rules in the Council's constitution state that the chairman for each area will be appointed by Council each Municipal year and shall be a Ward Councillor from the area from which that Committee is constituted. The Chairman for each Neighbourhood Committee will be appointed by Council each Municipal year. There will be one Chairman appointed for each of the seven Neighbourhood Committees (Part 4, Section 8 paragraph 11.1).

2.2 As part of the Scrutiny recommendations above, the special responsibility allowances agreed at Annual Council on 23 May 2012, states that £3,071.12 will be paid to each of the seven Neighbourhood Committee Chairmen (a total of £21,497.85). It should be noted that in accordance with the constitution, any councillor fulfilling more than one special role shall choose at the start of the municipal year which SRA to claim (Part 6, paragraph 2.2).

2.3 Peterborough North Area Committee

At its meeting on 12 June 2012 a majority of members present (five out of seven) of the Peterborough North Area Committee agreed with the motion put forward by Cllr John Fox that the

selection of a Conservative group chairman by full Council was undemocratic and did not reflect the political make-up of the area which has only three of the 11 councillors from the Conservative Group (four Liberal Democrats, three Peterborough Independent Forum, three Conservative and one Labour group councillor). In order to affect greater local decision making and local choice, as intended by the introduction of the Neighbourhood Committees, the local councillors should be able to elect the chairman for their local committee.

- 2.4 It was highlighted that the majority of local residents across the area had not voted for a majority of Conservative councillors to represent them and therefore the neighbourhood meeting, in order to reflect this preference, should not have a Conservative Group chairman imposed upon them by the city council but should be able to elect its own chairman.
- 2.5 When debating the special responsibility allowance paid to the Chairman, it was noted that the current chairman did not receive this. However, it was agreed by a majority of members (five out of seven), that the SRA should not be made available in the first place as it amounted to around £750 per meeting and the role should be taken on out of civic duty, not because of the availability of an additional allowance. It was agreed that the SRA should instead be included in the funding available for each Neighbourhood Committee to spend in its area. Members of the public that were present also raised their hands to support the views expressed at the meeting and that a report be submitted to Council requesting changes.
- 2.6 Dogsthorpe, East and Park Neighbourhood Committee
At its meeting on 14 June 2012 a majority of members present (five out of seven) of the Dogsthorpe, East and Park Neighbourhood Committee agreed to express to Council its opinion that the selection of a Conservative group chairman by full Council was undemocratic and did not reflect the political make-up of the area (three Peterborough Independent Forum, three Labour and three Conservative group councillors). In order to affect greater local decision making and local choice, as intended by the introduction of the Neighbourhood Committees, the local councillors should be able to elect the chairman for the committee.
- 2.7 As two thirds of the local councillors were not Conservative Group councillors, it was claimed, at the meeting, that the chairman would not be able to command the support of all the councillors in the area and therefore a councillor should be able to be selected by the committee members in order to tackle issues affecting the neighbourhood area more effectively.
- 2.8 It was further stated that, in the committee's opinion, the Council should cease to pay councillors for chairing neighbourhood committees and this money should be redirected to project development within the wards.
- 2.9 Central and North Neighbourhood Committee
At its meeting on 19 June 2012 a majority of members present (four out of five) of the Central and North Neighbourhood Committee agreed to express to Council its opinion that the selection of a Conservative group chairman by full Council was undemocratic and did not reflect the political make-up of the area (two Peterborough Independent Forum, two Labour and one Conservative group councillor). In order to affect greater local decision making and local choice, as intended by the introduction of the Neighbourhood Committees, the local councillors should be able to elect the chairman for the committee.
- 2.10 The local councillors in the two wards that make up the neighbourhood committee members were most knowledgeable about the issues affecting the area and were therefore the most suited to selecting a chairman of suitable experience to lead on tackling these issues. Full Council should therefore, not be involved in selecting the chairman.
- 2.11 It was further stated that the SRA for the chairman should be removed and given to the neighbourhood committee to spend in order to enhance its ability to fund and deliver projects within the area to benefit the local community.

3. IMPLICATIONS

- 3.1 By agreeing to the recommendations the constitution would be amended to allow each committee named above to elect its own chairman from amongst its members.
- 3.2 The Special Responsibility Allowance allocation would be removed for each committee named above and the money would be used to increase the amount available for each committee to spend in its area by £3,071.12.

4. BACKGROUND DOCUMENTS

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

Peterborough City Council constitution.

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COUNCIL	AGENDA ITEM No. 15
11 JULY 2012	PUBLIC REPORT

NOTICES OF MOTION

The following notices of motion have been received in accordance with Standing Order 15.2:

1. Motion from Councillor John Shearman:

That this Council:

1. Is concerned that public confidence in the council's ability to safeguard its children and young people has been damaged by the lack of leadership shown by the administration in general and the Cabinet member for Children's Services in particular;
2. Is mindful that during the Cabinet member's tenure of her portfolio, OFSTED has undertaken four inspections, and the findings of them all have served to undermine public confidence;
3. Recognises that under the professional leadership of the Interim Director for Children's Services good progress is being made in addressing shortcomings and in view of this believes that the Cabinet Member, given her direct association with three years' of failure, is ill-suited to provide appropriate political leadership; and
4. Calls on the Cabinet Member for Children's Services to resign with immediate effect.

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COUNCIL	AGENDA ITEM 16(a)
11 JULY 2012	PUBLIC REPORT

LOCALISM ACT 2011 – MEMBERS' COMPLAINTS PROCEDURE

R E C O M M E N D A T I O N S
FROM : Solicitor to the Council
<p>That Council:</p> <ol style="list-style-type: none"> (1) Approves the Code of Conduct (annex A); (2) Approves the arrangements for receipt, investigation and consideration of complaints against councilors (annex B) (3) Approves the terms of reference for the Audit committee dealing with complaints against members (Annex C) (4) Agrees that seats on the Audit Committee be exempt from the political balance requirements of Section 15 of the Local Government and Housing Act 1989 to allow the Liberal Democrat group a seat on the committee (revised committee of 8 to comprise of 4 Conservative, 2 Independents, 1 Labour and 1 Liberal Democrat) (5) Agrees the Monitoring Officer can grant dispensations to members to speak at meetings where they have a disclosable pecuniary interest (6) Agrees that any dispensation to take part in the debate and/or vote on any matter in which the member has a disclosable pecuniary interest can be granted by the Audit Committee (7) Approves an annual retention fee should to paid to the independent person and their deputy as set out at paragraph 6 to this report; (8) Authorises the Monitoring Officer to make any consequential amendments to the Constitution to reflect this new complaints process (9) Offers a vote of thanks to the former independent and parish members of the Standards Committee for the work they have undertaken

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report follows on from the report considered at Council on the 18 April 2012 to prepare for the introduction of a new member complaints system under the Localism Act 2011.
- 1.2 Standards for England, the regulatory body, was abolished in January 2012 and the Standards Committee of this Council came to an end on the 30 June 2012.
- 1.3 The purpose of this report is to outline discussions with the Group Leaders since the previous Council meeting with the intention of agreeing a new member complaints system for Peterborough City Council under the Localism Act 2012.

2. THE CODE OF CONDUCT & PROCEDURES

- 2.1 The proposed Code of Conduct and the arrangements for dealing with complaints are attached at annexes A & B.
- 2.2 This new code of conduct reflects the intention of the Group Leaders to adopt a Code that has been developed jointly across the Cambridgeshire authorities. To a great extent this new Code reflects the wording of the former national Code regarding the levels of conduct expected of elected members. It therefore provides members with some familiarity of their duties in a period of transition.
- 2.3 Regulations outlining the 'disclosable pecuniary interests', which must be included in the Code, were released on 8 June 2012. Given the relatively short time therefore in which to put together the final version of the new Code and reflecting the intentions of the Group Leaders that if, given sufficient time, they would have developed a different Code, the Group Leaders also proposed that there should be a review of the new complaints system within 12 months of this report with any proposed changes to the Code and procedures recommended to Council.

3. DECLARING INTERESTS

- 3.1 Members will recall that it was outlined in the earlier report that a new category of 'disclosable pecuniary interests' was to be introduced by Regulations. Those interests are now set out in the Code annexed to this report. Members will note that this 'new' list of interests largely reflects the categories of personal interests in the old Code.
- 3.2 Members who have disclosable pecuniary interests will be required to register them with the Monitoring Officer and declare them at meetings. There will still be dispensations for sensitive interests where members may be subject to violence or intimidation as a result of disclosure.
- 3.3 The Monitoring Officer will shortly be issuing a form outlining the interests which must be declared so that she can create a public register of members' interests. This register will be published on the Council's website (in the same way as the current register is).
- 3.4. Members are reminded that the failure to declare an interest now carries with it a potential for criminal prosecution. Given that there has been no opportunity for training, further guidance on declaring interests will be provided by the Monitoring Officer e.g. checklists for meetings, with training will be provided at the next available opportunity.
- 3.5 A member with a disclosable pecuniary interest must:
 - Disclose the interest at the meeting if it is not on the register;
 - Notify the Monitoring Officer that it should be included in the register;
 - Not participate in any discussion on that matter at a meeting; and
 - Not to participate in any vote on that matter.
- 3.6 Group Leaders have decided that members do not have to leave the room if they have a disclosable interest as they do under the old system (although as noted in 3.4 above they cannot participate in the meeting unless they have received a dispensation).

4. DISPENSATIONS

- 4.1 The Regulations permit dispensations to be granted to members to allow them to speak, debate and vote on a matter in which they have a disclosable pecuniary interest. It is for the Council to decide how these dispensations are to be given, if at all.

- 4.2 It is proposed that the Monitoring Officer be delegated the authority to grant a dispensation to any member who wishes to speak on a matter in which they have a disclosable pecuniary interest. A dispensation must be requested in writing in advance of the meeting.
- 4.3 Under the Act dispensations can also be granted to participate in the debate and to vote on a matter in which a member has a disclosable pecuniary interest. It is proposed that any member seeking such a dispensation must apply to the Audit Committee for approval.

5. DEALING WITH COMPLAINTS

- 5.1 The Council has already resolved that the Audit Committee shall hear any member complaints. It will only be necessary for the Audit Committee to consider such complaints following an investigation as the Monitoring Officer will now decide when to refer complaints for investigation.
- 5.2 For the first year of this system, the Group Leaders have agreed that the Audit Committee may also assess complaints before they are referred for investigation if the Monitoring Officer considers that a referral to the Committee is necessary. This is a 'failsafe' option rather than the default position and shall only be exercised in exceptional circumstances where the Monitoring Officer deems it necessary. This function should be subject to the review which is proposed to be undertaken over the next 12 months.
- 5.3 Following the appointment to committees at annual council in accordance with the political balance rules, the Audit Committee has no member of the Liberal Democrat group appointed to it. In order to ensure the greatest level of fairness in the new complaints process members are invited to consider whether the political balance arrangements ought to be overridden to allow one liberal democrat member to be appointed to the Audit Committee. In order for this resolution to be effective no member of the Council may vote against this proposal (although members may abstain from voting).
- 5.4 The primary function of the Audit Committee, in relation to this process, will be to hear complaints following investigation. In order to operate effectively it is anticipated that the Committee will delegate the hearing and assessment process to a sub-committee of Audit (effectively a hearings panel) and the terms of reference attached at annex C reflect this approach.

6. INDEPENDENT PERSONS

- 6.1 Although the Regulations permitted the existing independent members of the Standards Committee to be appointed as the independent person until March 2013, the Group Leaders considered that it would be preferable to have a clean break from the old system by appointing new independent persons. The recruitment process for an independent person and deputy has begun.
- 6.2 This Councils across Cambridgeshire have tried to agree parity in the payment of the independent person and Council are asked to approve an annual payment of £1000 per annum to the Independent Person and £500 for the role of Deputy. This is a saving on the current allowances paid to the independent members.
- 6.3 The independent persons are not paid a members allowance. The payment is a retention fee as the independent persons will not be co-opted members of the Council. This means that a clause must also be included in the agreement with the Independent Person that they are also subject to the new Code of Conduct and must declare any disclosable pecuniary interests.
- 6.4 In recognition of the work undertaken by the independent members of the former Standards Committee the Council would like to offer them a vote of thanks for their commitment to maintaining high standards of conduct at Peterborough City Council.

7. CONSULTATION

- 7.1 Following the resolution of Council in April Group Leaders have been consulted on the proposed changes to the member complaints system

8. REASONS FOR RECOMMENDATIONS

- 8.1 These recommendations are made as part of the statutory requirements of the Localism Act 2011.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 Any alternative options have been considered during this report. The Council is required to abide by the provisions of the Localism Act 2011.

10. IMPLICATIONS

- 10.1 There are no financial or legal implications, other than those contained within the body of the report.

11. BACKGROUND DOCUMENTS

- 11.1 Localism Act 2011 and associated Regulations



Members' Code of Conduct

Peterborough City Council

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life, which should be borne in mind, when interpreting the meaning of the Code:

- i. **Selflessness**
Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity**
Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability**
Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness**
Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty**
Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership**
Holders of public office should promote and support these principles by leadership and example.

PART 1 GENERAL PROVISIONS

1. Introduction and Interpretation

1.1. This Code applies to **you** as a member of Peterborough City Council (“PCC”). It is **your** responsibility to comply with the provisions of this Code.

1.2. In this code –

“Member”

means any person being an elected or co-opted member of the PCC and any independent person appointed by PCC to assist with the discharge of the ethical standards functions.

“Meeting”

means any meeting of

- a) PCC;
- b) The executive of PCC (including the making of decisions by cabinet members);
- c) Any of PCC’s committees, executive committees, sub-committees, joint committees, joint sub-committees, or area committees;
- d) Any of PCC’s advisory groups and executive boards

“Pending Notification”

means the interest has been notified to the Council’s Borough Solicitor, but has not been entered in the Register;

“Register”

means the register of Member’s and co-opted Member’s interests, maintained by the Monitoring Officer

“Relevant Authority”

includes any county council in England, a district council, a London borough council, a parish council and the Greater London Authority.

2. **Scope**

- 2.1. **You must** comply with this Code whenever you act, claim to act or give the impression you are acting as a Member of PCC.
- 2.2. Where you act as a representative of PCC:
 - (a) on another Relevant Authority, **you must**, when acting for that other authority, comply with that other authority's code of conduct or;
 - (b) on any other body, **you must**, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. **General Obligations**

- 3.1. **You must** treat others with respect.
- 3.2. **You must not:**
 - (a) do anything which may cause PCC to breach the Equality Act 2010
 - (b) bully any person
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this code of conduct
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, PCC

4. You must not:

- 4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of PCC; or
- 4.2. prevent another person from gaining access to information to which that person is entitled by law.
5. **You must** not conduct yourself in a manner which could reasonably be regarded as bringing your office or PCC into disrepute.

6. You must:

- 6.1. not use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and
- 6.2. when using or authorising the use by others of the resources of PCC:
 - (a) act in accordance with PCC's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.3. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

7. You must:

- 7.1 when reaching decisions on any matter, have regard to any relevant advice provided by:
 - (a) PCC's chief finance officer; or
 - (b) PCC's monitoring officer,where that officer is acting pursuant to their statutory duties.
- 7.2 give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by PCC.

**PART 2
INTERESTS**

8. Disclosable Pecuniary Interests

8.1. Disclosable pecuniary interests are specified in the table below:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from PCC) for any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract with PCC:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> <p>This includes a contract between PCC and any body in which you, or a person specified in paragraph 8.2(b) below, has a beneficial interest</p>
Land	Any beneficial interest in land which is within PCC's area
Licences	Any licence (alone or jointly with others) to occupy land in the PCC's area for a month or longer.
Corporate Tenancies	<p>Any tenancy where (to your knowledge):</p> <p>(a) the landlord is PCC; and</p> <p>(b) the tenant is a body in which you, or a person listed in paragraph 8.2(b) below, has a beneficial interest</p>

Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to your knowledge) has a place of business or land in PCC's area; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the person in paragraph 8.2 (below) has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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8.2 You must declare an interest if:

- (a) it is your interest, or
- (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

9. Other Disclosable Interests

You must declare the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £100.

10. Registration of Disclosable Pecuniary Interests and Other Interests

10.1. Subject to paragraph 12 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by PCC; or
- (b) your election or appointment (where that is later)

notify the Monitoring Officer in writing of any disclosable pecuniary interests and other interests you have at that time.

10.2. Subject to paragraph 12 below (sensitive interests) you must, within 28 days of becoming aware of any new disclosable pecuniary or other interest or any change to any such interest, notify the Monitoring Officer in writing of that new pecuniary interest or change.

11. Disclosable Pecuniary Interests in Matters Considered at Meetings or by a Single Member

11.1. If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered at that meeting:

- (a) if the interest is not entered in the register of members' interests you must disclose to the meeting the fact that you have a disclosable pecuniary or other interest in that matter
- (b) if you have not already done so, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (c) whether the interest is registered or not you must not unless you have obtained a dispensation from the Monitoring Officer to participate, or participate further, in any discussion of the matter at the meeting
- (d) whether the interest is registered or not you must not, unless you have obtained a dispensation from the Audit Committee participate in any vote, or further vote, taken on the matter at the meeting.

11.2 Single Member Action

If you are empowered to discharge functions acting alone, and are aware that you have a disclosable pecuniary interest or other interest in any matter being dealt with, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification, you must notify the Monitoring Officer of the Disclosable Pecuniary Interest before the end of 28 days, beginning with the date of when you became aware of the matter

12. Sensitive Interests

12.1. Where you consider (and the Monitoring Officer agrees) that the nature of a disclosable pecuniary or other interest is such that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed.

PART 3 RELATED DOCUMENTS

The following documents also provide guidance on the Standards of Conduct expected of members and can assist in the interpretation of this Code of Conduct. These documents can be found in the Council's Constitution.

13. The Audit Committee Rules of Procedure set out the arrangements for dealing with an alleged breach of this Code
14. PCC's Planning Code of Conduct deals specifically with the Code of Conduct within the remit of the Planning and Environmental Protection Committee
15. PCC's Social Media Code for members and officers sets out appropriate behaviour when undertaking Council business through social media
16. PCC's Member/Officer Protocol sets out how members and officers should work together
17. The procedures under which registration and declaration of interests, gifts and hospitality are to be made are set out in the Gifts and Hospitality Policy.

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COMPLAINTS AGAINST MEMBERS

CODE OF CONDUCT

This is a protocol setting out how to complain about a member of the Council and explaining the arrangements for dealing with such complaints

1. *The Code of Conduct*

The Council has adopted a Code of Conduct for members. The Code can be found on the website as part of the Council's constitution.

2. *Making a complaint*

If you wish to make a complaint, please contact –

The Monitoring Officer
Town Hall,
Bridge Street,
Peterborough PE1 1HG
Helen.edwards@peterborough.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering complaints of member misconduct.

To process a complaint, a complaint form must be completed. The form is available from the Council's website or on request from the Monitoring Officer. Complaints can be made in writing without completing the form, but using the form will help ensure that all the available information is available.

The person making the complaint must provide the Monitoring Officer with their name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of the complaint and update on progress of the complaint.

3. *Anonymous complaints*

The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

Any person making a complaint who would like to keep their name and address confidential can indicate this on the complaint form. Where a person has asked for confidentiality the Monitoring Officer will not disclose their name and address to the member complained about without prior consent.

The Monitoring Officer has to balance the rights of the member to understand who is making a complaint against them, against the rights of the person making the complaint. The person making the complaint will have to provide reasons why their name ought to remain confidential. If the Monitoring Officer does not consider those reasons justify anonymity, the person making the complaint will be given the opportunity to withdraw the complaint if they do not wish to proceed without anonymity.

Even where anonymity is agreed at the outset of the complaint it may not always be possible to bring the matter to hearing without the person making the complaint agreeing to give evidence at the hearing.

4. *Initial Assessment of Complaints Received*

The Monitoring Officer will acknowledge the complaint within 5 working days of receiving it.

The Member against whom the complaint is made will also be informed of the complaint at this stage.

The Monitoring Officer will undertake an initial assessment of the complaint to determine firstly, whether the complaint is admissible and if so to decide whether:-

- a) it warrants investigation or,
- b) it may be suitable for alternative resolution without investigation or,
- c) it does not warrant any further action.

For the complaint to be admissible it must be in a legible format and relate to an existing member of the authority.

In determining whether or not the complaint should be referred for investigation the Monitoring Officer may decide to consult the Independent Person. The Independent Person is appointed by the Council to provide an impartial and independent opinion regarding the conduct of the member. The Independent Person is not an elected member of the Council.

When deciding whether to refer a matter for investigation the Monitoring Officer will have regard to a range of factors including the following:-

- i) Whether there is sufficient information upon which to base a decision
- ii) How serious the alleged action is
- iii) Is the complaint politically motivated, vexatious or tit for tat;
- iv) Has there been any delay between the action complained of and the complaint ;
- v) Do the allegations relate to actions occurring whilst the subject member was acting in their official capacity;

vi) The opinion of the elected member regarding the complaint

The initial assessment of the complaint will normally be completed within 28 days of receiving the complaint and the person making the complaint and the member will be informed, in writing, of the outcome.

Unless exceptional circumstances exist, the Monitoring Officer will always inform the member of the receipt and nature of the complaint and invite their comments.

Where the Monitoring Officer requires additional information to come to a decision, they may refer back to the person making the complaint or ask the member against whom the complaint is directed.

5. *Referral to Audit Committee*

In all cases it is expected that the Monitoring Officer will assess the complaint and make the decision regarding investigation. In exceptional cases the Monitoring Officer may refer the complaint to the Audit Committee (Hearings Panel) to decide whether the complaint warrants further investigation. This referral can only be made at the request of the person complaining or the subject member where the Monitoring Officer is satisfied that the complaint is exceptional.

As this is not a public hearing, the referral will be made in a written confidential report by the Monitoring Officer to the Audit Committee (Hearings Panel). The decision of whether to investigate will be made by the Committee based upon the contents of the report. There will be no opportunity for the person complaining or the member to attend the Committee to make representations regarding the complaint.

6 *Alternative Resolution*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology. Where the member or the authority makes a reasonable offer of local resolution, but the person complaining is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint warrants formal investigation or no further action.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer is authorised to refer the complaint to the Police and other regulatory agencies.

7 *If the complaint is referred for investigation how is the investigation conducted?*

If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, they will appoint an Investigating Officer. This could be another officer of the authority, or of another authority or an external investigator. The decision regarding the appointment will depend upon a variety of factors including staff capacity and nature of the complaint.

The investigating officer will decide to whom they need to speak. It is likely that they will begin the investigation by speaking to the person making the complaint and to gather any documents the investigating officer needs to see. This will also help the investigating officer to decide whom they need to interview.

The investigating officer would normally

- write to the member complained of
- provide them with a copy of the complaint,
- ask the member to provide their explanation of events,
- identify what documents they need to see and
- make a list of interviewees

In exceptional cases, where disclosure of the details of the complaint to the member might prejudice the investigation, the investigating officer may delay notifying the member until the investigation has progressed sufficiently.

At the end of the investigation, the investigating officer will produce a draft report and will send copies of that draft report, in confidence, to the person making the complaint and to the member concerned, giving both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more investigation.

Having received and taken account of any comments which may be made on the draft report, the investigating officer will send the final report to the Monitoring Officer. The Council aims to conclude the investigation stage within 3 months of a complaint being received.

8. *What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?*

The Monitoring Officer will, in consultation with the independent person, review the investigating officer's report and, if they are satisfied that the investigating officer's report is sufficient, the Monitoring Officer will write to the person making the complaint and to the member concerned, notifying both persons that no further action is required.

9. *What happens if the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct?*

The Monitoring Officer will, in consultation with the Independent Person, review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel, or seek an alternative resolution.

10 *What is Local Resolution?*

The Monitoring Officer and Independent Person may consider that the matter can be resolved without the need for a hearing. Such resolution may include the member

accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the authority's Audit Committee for information, but will take no further action.

11. *What is a local hearing?*

If the Monitoring Officer and Independent Person consider that local resolution is not appropriate or is impossible to achieve, the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel of the authority's Audit Committee, which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Monitoring Officer will conduct a "pre-hearing process", asking the member to give their response to the Investigating Officer's report. This will identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Hearings Panel may decide, in consultation with the Monitoring Officer to give instructions about the way in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary, and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the person making the complaint to attend and give evidence to the Hearings Panel.

The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

Alternatively, if the Hearings Panel finds that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person.

12. *What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?*

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:-

- a. Publish its findings in respect of the member's conduct;
- b. Report its findings to Council for information;

- c. Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- d. Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- e. Recommend to Council to remove the member from all outside appointments to which they have been appointed or nominated by the authority;
- f. Recommend to Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- g. Recommend to Council that it excludes the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances.

13. *What happens at the end of the hearing?*

At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and set out any actions which the Hearings Panel resolves to take.

The Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Hearings Panel, and send a copy to the person making the complaint, to the member, and make the decision notice available for public inspection. If appropriate the Monitoring Officer will report the outcome of the hearing to the next Council meeting

14. *Who are the Hearings Panel?*

The Hearings Panel is a Sub-Committee of the Council's Audit Committee. The Audit Committee comprises 8 members of the Council appointed annually in proportion to the political balance of the Council.

[The Council has resolved that the Audit Committee does not need to comply with the rules regarding political balance. This is to ensure that at least one member of each party within the Council may sit on the Audit Committee. Absenting the Committee from the political balance rules will be considered at annual council each year. The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and determines any action to be taken following a finding of failure to comply with the Code of Conduct.

15. *Who is the Independent Person?*

The Independent Person is a person appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if they –

- a. are, or have been within the past 5 years, a member, co-opted member or officer of the City Council or any parish council within the City Council area;
- b. are a relative or close friend, of a person within paragraph a above. For this purpose, “relative” means –
 - i. Spouse or civil partner;
 - ii. Living with the other person as husband and wife or as if they were civil partners;
 - iii. Grandparent of the other person;
 - iv. A lineal descendent of a grandparent of the other person;
 - v. A parent, sibling or child of a person within paragraphs i or ii;
 - vi. A spouse or civil partner of a person within paragraphs iii, iv or v; or
 - vii. Living with a person within paragraphs iii, iv or v as husband and wife or as if they were civil partners.

16. *Revision of these arrangements*

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where they consider it is expedient to do so to secure the effective and fair consideration of any matter.

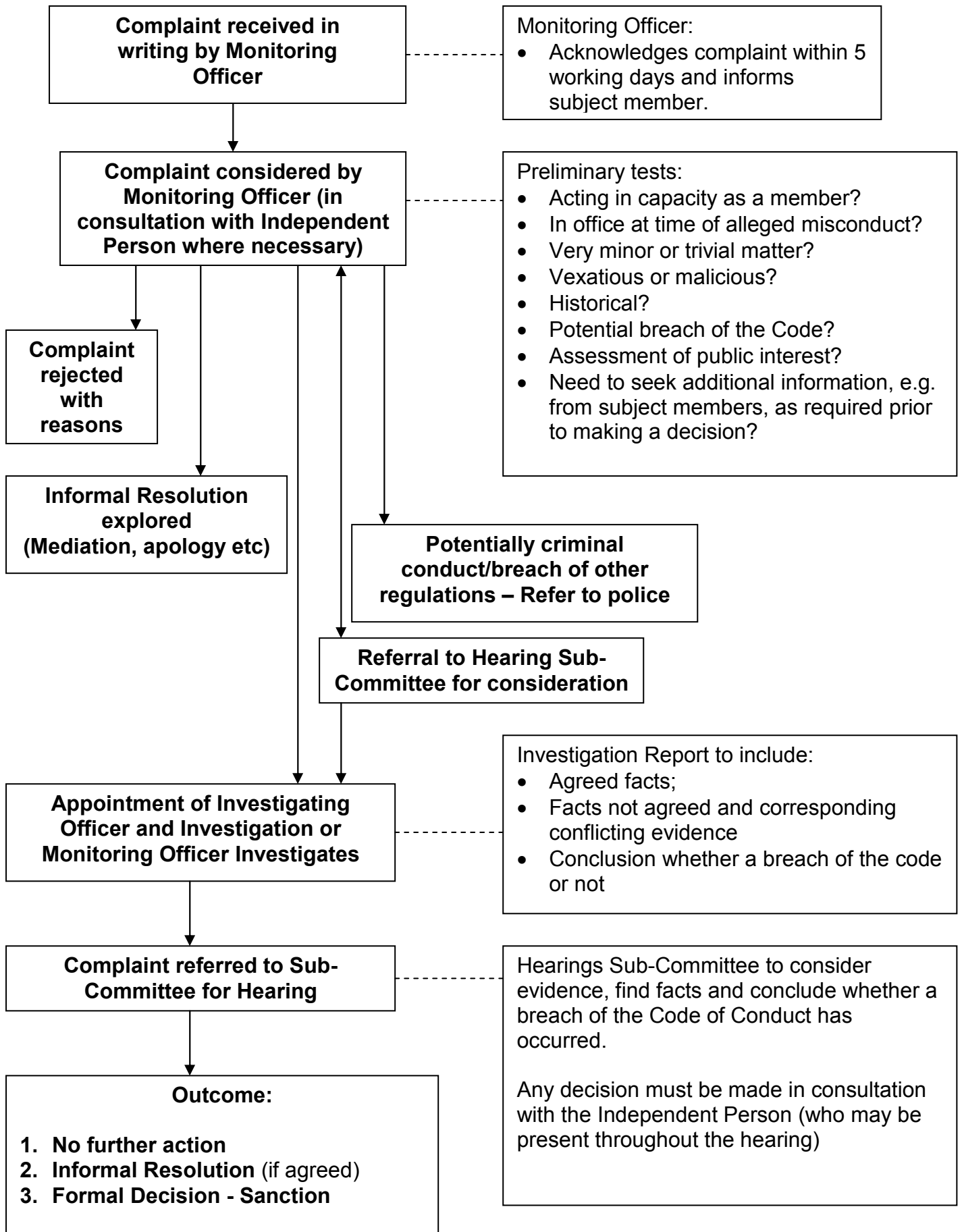
17. *Appeals*

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

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Members' Ethics Complaints Procedure Flowchart



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TERMS OF REFERENCE OF THE AUDIT COMMITTEE
(Additional terms of reference)

1. Promoting and maintaining high standards of conduct by Councillors and co-opted members;
2. Assisting the Councillors and co-opted members to observe the Code of Conduct;
3. Advising the Council on the adoption or revision of the Code of Conduct;
4. Monitoring the operation of the Code of Conduct;
5. Advising, training or arranging to train Councillors and co-opted members on matters relating to the Code of Conduct;

HEARINGS PANEL (Sub-committee to the Audit Committee)

The Hearings Panel is a sub-committee of the Audit Committee. The Panel has the following functions:

1. When matters are referred by the Monitoring Officer granting dispensations to Councillors and co-opted members allowing them to (a) participate in the debate and/or (b) vote on any matter in which they have a disclosable pecuniary interest;
2. On matters being referred by the Monitoring Officer deciding whether complaints concerning members should be investigated
3. Hearing complaints that have been referred to them by the Monitoring Officer pursuant to the Complaints Procedure.
4. The agreement of relevant procedures for the undertaking of its functions such when appropriate to be included within the constitution; and

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