

Public Document Pack



PETERBOROUGH CITY COUNCIL SUMMONS TO A MEETING

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

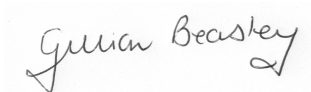
WEDNESDAY 30 JANUARY 2013 at 7.00 pm

AGENDA

	Page No.
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the meeting held on 5 December 2012	1 - 32
COMMUNICATIONS TIME	
4. Mayor's Announcements	33 - 36
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 Fire Authority	
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	37 - 42
13. Executive Recommendations	
(a) Council Tax Support Scheme	43 - 58

COUNCIL BUSINESS TIME

- | | | |
|-----|--|----------|
| 14. | Notices of Motion | 59 - 60 |
| 15. | Reports and Recommendations | |
| | (a) Report of the Independent Members Remuneration Panel | 61 - 78 |
| | (b) Appointment of Independent Person | 79 - 84 |
| | (c) Amendment to the Constitution regarding the licensing of sex establishments | 85 - 94 |
| | (d) Amendment to the Constitution regarding the licensing of scrap metal dealers | 95 - 104 |



Chief Executive

22 January 2013
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.



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

Public Document Pack



MINUTES OF COUNCIL MEETING HELD 5 December 2012

The Mayor – Councillor George Simons

Present:

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

Following prayers, a minutes' silence was held for Mr Bob Burke, a former Councillor.

The Mayor stated that a request to take photographs during the meeting had been received. This request was approved by Council.

1. Apologies for Absence

Apologies for absence were received from Councillors Dalton, Day, Fower, Knowles, Martin and North.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meetings Held on 10 October 2012

The minutes of the meeting held on 10 October 2012 were agreed and signed as an accurate record.

4. Mayors Announcement Report

The Mayor stated that there had been a correction made to the report. This was to show the Deputy Mayor as in attendance at the Full Council meeting held on 10 October 2012.

Members noted the updated report outlining the Mayor's engagements for the period commencing 2 October 2012, including the correction as outlined.

The Mayor addressed the meeting and stated that the homecoming of the First Battalion of the Royal Anglia Regiment and the Remembrance Service events had been a great success. Thanks were also extended to Members of the Disability Forum who had volunteered to pilot the new seating arrangements in the Council Chamber.

The Christmas Lights switch on had also been a great success and over 3000 smile badges had been sold to help the Mayor's charities.

Christmas wishes were extended to all present and the Mayor's Chaplain, the Reverend Gill Jessop of All Saints Church Paston, was congratulated on the civic services undertaken at Church throughout the year.

5. Leader's Announcements

The Leader addressed the meeting and had the following announcements:

- Ms Estelle Thain, a Social Worker from Peterborough, had been pronounced Social Worker of the year for her outstanding dedication and commitment to helping vulnerable children and in particular for her handling of sensitive protection child cases.

Full Council congratulated Ms Thain on her achievement and for all her hard work undertaken on behalf of the children of the city.

- The Leader expressed his gratitude on behalf of all Members to Mr Malcolm Newsam, the Interim Director of Children's Services, for all of the work he had undertaken throughout the year. Mr Newsam was due to leave the Council on 21 December 2012 and Ms Sue Westcott had been appointed as the replacement Director of Children's Services.
- The Primark store opening had been a huge success and the Christmas decorations located in Cathedral Square, and across the centre, were a credit to the city.
- Discussions were underway in relation to filling the remainder of the empty shops situated along Bridge Street and in Cathedral Square.

Group Leaders replied to the Leader's announcements and the following points were raised:

- Councillor Khan queried when the changes to Bridge Street were due to take place.
- Councillor Shearman stated that Ms Jodie Wallis, a second Social Worker from Peterborough, had been shortlisted for the newly qualified Social Worker award and although Ms Wallis had not won the award, the nomination was further credit to the Children's Services Department.
- Councillor Sandford endorsed the positive comments made in relation to the Children's Services Department and the Social Workers who had been nominated and won awards. Councillor Sandford further stated that the Primark store would be a positive boost for the city and that the Christmas decorations in Cathedral Square enhanced the area well and asked that the Leader look to ensure that the Square looked attractive all year round.

In response to comments and queries raised by the Group Leaders, the Leader stated that the upgrade to Bridge Street was progressing well. All of the maintenance work had been completed and resurfacing work had commenced and was due for completion around June 2013. Furthermore, focus would remain on Cathedral Square to ensure it remained a vibrant and attractive place within the centre. If Members had any specific ideas for the Square then these could be considered.

6. Chief Executive's Announcements

There were no announcements from the Chief Executive.

COMMUNITY INVOLVEMENT TIME

7. Questions with Notice by Members of the Public

Three questions had been raised by members of the public, these were in relation to:

1. The suitability of the contractor for the wind/solar farms;
2. The returns on the investments on the wind/solar farms; and
3. The future plans for the remaining 2100 acres outside of the 900 acres being consulted upon.

A summary of the question and answers raised within agenda item 7 is attached at **Appendix A** to these minutes.

Councillor John Fox sought clarification as to how the order of questions was determined. The Solicitor to the Council advised that the order was determined by a random ballot, of which all Councillors were notified and able attend if they so wished.

8. Questions with Notice by Members of the Council Relating to Ward Matters to the Cabinet Members and to Committee Chairmen

Questions relating to Ward matters were raised and taken as read in respect of the following:

1. Measures being taken to alleviate traffic levels around the Brotherhood Retail Park;
2. The road crossing point at Norwood School;
3. The future of the land and building at Welland House;
4. The replacement of food waste bins due to damage; and
5. Flooding at Tescos on Welland Road.

Due to the time limit for the item being reached, the following questions were to be responded to in writing:

6. Support for Werrington Neighbourhood Council;
7. The state of the lease transfer of John Mansfield to Innova;
8. The use of a bus lane for congestion on Goodwin Walk;
9. Why some rubbish bins were not collected until 7.00pm at night and what could be done to resolve this;
10. The procurement process and value for money for the wind and solar contracts; and
11. Updates on the Smart car being used to identify parking offences.

A summary of all questions and answers raised within agenda item 8 are attached at **Appendix A** to these minutes.

9. Questions with Notice by Members of the Council to representatives of the Police and Fire Authorities

There were no questions received for the Council's representatives of the Fire Authority.

The Solicitor to the Council advised Members that the current provisions within the Council's Constitution allowed for questions to the Council's representative on the Police Authority. With the election of a Police and Crime Commissioner this situation had changed and work was due to be undertaken to determine appropriate arrangements going forward. Members would be updated in due course.

Councillor Lee stated that questions should be asked and responses issued from the new Police and Crime Commissioners Office. The Solicitor to the Council advised that she was happy to take this request back.

Councillor Khan queried whether the Police and Crime Commissioner could be called to one of the Council's Scrutiny Committees and if so, what was the process for doing so.

The Solicitor to the Council advised that the issues raised were still under consideration and updates to Members would follow in due course once procedures had been finalised.

Councillor Sandford requested the Solicitor to the Council make a specific request to the Police and Crime Commissioner that a mechanism was to be put in place so that Members of the Council had an opportunity to put questions forward. Councillor Lee supported this request.

10. Petitions Submitted by Members or Residents

Councillor McKean submitted a petition containing 465 signatures, requesting traffic calming and deterring measures along the entrances to Eye, namely Thorney Road, Crowland Road, Eyebury Road and past Eye Primary School, to stop the rat run traffic passing through the village rather than using the A47 bypass.

Following the submission of petitions, Councillor Khan moved that two procedure rules be suspended relating to the time allowed for questions during the Executive Business Time item on the agenda. It was requested that the Council agreed to:

1. Suspend the time limit of 20 minutes for questions with notice to the Executive, which could be found at procedure number 14.2;
2. Suspend the time limit of 40 minutes for questions without notice on the Record of Executive Decisions which could be found at the procedure rule 14.3.1;
3. Allow a total of 90 minutes for these items to be considered; and
4. Authorise the Solicitor to the Council to amend the Constitution going forward to reflect this change.

The motion was seconded by Councillor Jamil.

Councillor Sandford moved an amendment to the motion to delete the wording at part 4, authorising the Solicitor to the Council to amend the Constitution going forward. This amendment was seconded by Councillor Lane.

During debate it was commented that it would be more suitable to discuss such changes to Standing Orders between Group Leaders outside of the meeting. Councillor Sandford withdrew his amendment.

Councillor Khan withdrew the motion to amend the times allowed for questions during the Executive Business Time.

EXECUTIVE BUSINESS TIME

11. Questions with Notice to the Leader and Members of the Executive

Questions to the Leader and Members of the Executive were raised, with all of the questions, being taken as read in respect of the following:

1. Continuing the legacy of the Bob Burke music awards;
2. Remuneration paid by Blue Sky Peterborough to Council appointed Directors;

3. Ensuring the standards were maintained for Welland House residents, following transferral to the private sector;
4. Webcasting Council meetings;
5. The future of building services in Enterprise;
6. How many people would be affected by the Council Tax Scheme change?
7. How to deal with the waste that was causing blight to allotments; and
8. Could charging for care homes be made cheaper?

Due to the time limit for the item being reached, the following questions were to be responded to in writing:

9. Application details for the local mortgage scheme;
10. Why were some areas still subject to weekly bin collections?
11. Should primary schools remain the responsibility of the Authority and their Governors;
12. Should ICT equipment be removed if it was not being utilised properly?
13. Should more support be given to Armed Forces Day?
14. Changes to the current system of governance;
15. What proportion of the £740k extra money, put into the trees budget for the forthcoming year had been allocated for tree and woodland planting?

A summary of all questions and answers raised within agenda item 11 are attached at **Appendix B** to these minutes.

12. Questions without Notice on the Record of Executive Decisions

Members received and noted a report summarising:

1. Decisions taken at the Cabinet Meeting held on 5 November 2012;
2. Use of the Council's call-in mechanism, which had not been invoked since the last meeting;
3. Special Urgency and Waiver of Call-in provision, which had not been invoked since the previous meeting; and
4. Cabinet Member Decisions taken during the period 5 October 2012 to 16 November 2012.

Questions were asked about the following:

Older People's Accommodation Strategy – 2012: Consultation Report on the Proposal to close Greenwood House and Welland House

Councillor Murphy requested clarification as to why the Council had chosen not to take up an independent clinical psychologists report on the possible effects the closure would have on the elderly residents and the potential for early deaths. Councillor Fitzgerald advised that the Director of Adult Social Care had taken the appropriate course of action and individuals had been assessed on a case by case basis by both Social and Healthcare professionals.

Councillor Miners sought clarification as to how many Councillors had managed to exercise their vote when reaching the decision to close the two care homes. Councillor Cereste stated that the proper due process had been followed which had involved all Councillors.

Councillor Shearman queried whether one of the reasons for closing the homes was due to the changes in the eligibility criteria. Councillor Fitzgerald stated that the two issues were not related.

Councillor Davidson sought assurance that the individuals concerned would be appropriately assessed and that their progress would be monitored and regular inspections carried out. Councillor Fitzgerald confirmed that all assessments and monitoring would be undertaken as a matter of course.

Development of Ground Mounted Solar Photovoltaic (PV) Panels (Solar Farms) and Wind Turbines

Councillor Lane sought clarification as to whether the contract was likely to be awarded to Mears, or whether the contract would be going out to tender. The decision notice also stated that the contract was for panels/systems up to 5mw only. Councillor Cereste responded that negotiations were currently being undertaken with Mears and in relation to the wattage of the panels, Councillor Cereste could write to interested Councillors providing further clarification on the flexibility of the contract.

Councillor Ash queried whether the utilisation of industrial sites had been considered, rather than using agricultural land. Councillor Cereste responded that opportunities for placing solar panels onto buildings were being explored. Twenty schools had been commissioned for panels already, and more were being looked into. All council buildings had photovoltaic panels where it was commercially viable.

Councillor Sandford queried how the community fund would be calculated, ensuring it was both reasonable and proportionate. Councillor Cereste stated that a sum would be calculated that would go directly towards the community. Meetings had already been undertaken with Members of the Parish Council and further work would be undertaken with the Parish Council and members of the community to set up a board which would be responsible for looking after any funds directly paid to the community.

Collective Energy Switching Scheme

Councillor Peach questioned how many people had registered for the scheme. Councillor Cereste advised that around 3500 people had registered for the scheme in Peterborough.

Councillor Shearman queried whether a communication could be sent out to the elderly residents of the city to ensure they were aware of the scheme. Councillor Cereste stated that this was an important issue that needed to be dealt with and discussions had taken place as to how more people could be reached.

Management and Operation of Dogsthorpe Household Recycling Centre

Councillor Ash queried whether the contract incorporated the recycling of shredded paper. Councillor Lee responded and stated that this had not been part of his consideration when signing the decision notice, however he would discuss this point further with Councillor Ash following the meeting.

Organic and Food Waste Treatment Services Contract

Councillor Murphy queried whether there was an expectation that government departments' money could be used in order to introduce the weekly bin collections for the food waste bins. Councillor Lee stated that a bid had been submitted but there had been no answer to date. However, this would not have formed part of the decision.

Councillor Ash sought clarification of how the lots within the contract would be affected if a food digester was built locally. Councillor Lee stated that in awarding the contract the possibility of a future facility being available would not have been considered. However the contracts were for a time limited period for that very reason enabling new operators to have the chance to bid for future contracts.

All Saints Junior School – Extension of Age Range

Councillor Shearman queried whether the Cabinet Member was aware that the contractor, Carillion, and/or their sub-contractors, had been referred to a black list before employing staff on their sites and could he ensure that they would not continue such practices going forward in Peterborough. Councillor Holdich requested that Councillor Shearman provided the question to him in writing and stated that he would follow the query up.

Willow Festival 2013

Councillor Murphy sought confirmation from the Cabinet Member that the money would be spent improving infrastructure, particularly in relation to the toilet facilities and furthermore and whether the Cabinet Member as aware that there were external funding sources available for the provision of such events. It was also to be noted that council offices had been made available in the Chief Executives Department for young people who were planning a festival next year and that cross working between these various organisations should also be explored. Councillor Seaton advised that the Willow Festival was an important event and he would pick up the issue of toilet facilities to ensure that they were appropriate. In relation to grant funding, he would look into this further and he would also be happy to look into the possible synergies between the young people planning their festival.

13. Executive Recommendations

(a) Peterborough Planning Policies Development Plan Document (DPD)

Cabinet, at its meeting of 5 November 2012, received a report following Council's decision on 7 December 2011 to approve the Peterborough Planning Policies Development Plan Document (DPD) (Proposed Submission Version) for the purposes of public consultation and submission to the Secretary of State. Such consultation had taken place and the DPD had been submitted to the Secretary of State in April 2012. Subsequently an independent Planning Inspector, appointed by the Secretary of State, had carried out a public examination into the document. The Inspector had sent his report to the Chief Executive setting out his conclusions on the DPD. The report had sought Cabinet's approval to recommend the Planning Policies DPD to Council for adoption. After considering the report, Cabinet had agreed the recommendations.

Councillor Hiller, the Cabinet Member for Housing, Neighbourhoods and Planning moved the recommendation that Council adopt the Peterborough Planning Policies Development Plan Document, incorporating modifications as recommended by the Inspector and other minor editorial modifications. This was seconded by Councillor Serluca, who reserved her right to speak.

A vote was taken (unanimous) and it was **RESOLVED** that:

Council adopt the Peterborough Planning Policies Development Plan Document, incorporating modifications as recommended by the Inspector (Main Modifications) and other minor editorial modifications (Additional Modifications).

COUNCIL BUSINESS TIME

14. Committee Recommendations

(a) Gambling Act 2005 Statement of Principles

Councillor Thacker introduced the report and moved the recommendation that Council approve and adopt the Gambling Act 2005 Statement of Principles as Peterborough City Council's formal three year Statement under Section 349 of the Gambling Act 2005. This was seconded by Councillor Harper, who reserved his right to speak.

Members debated the recommendations and it was noted that the report stated that there was no official definition of 'vulnerable people' which was incorrect and furthermore the document referenced the 'Disabled Persons Forum', which was also incorrect.

Councillor Thacker stated that the queries would be looked into and the document amended accordingly.

A vote was taken (unanimous) and it was **RESOLVED** that:

Council approved and adopted the Gambling Act 2005 Statement of Principles as Peterborough City Council's formal three year Statement under Section 349 of the Gambling Act 2005, with any amendments to be made accordingly.

15. Notices of Motion

1. Councillor Harrington moved the following motion:

Given the absence of any detailed alternative illustrated schemes being presented to the Council, other than to install wind turbines and Photovoltaic Panels on 900 acres of prime agricultural land, I ask that this Council urges Cabinet to overturn its outline strategy of July 2012 to develop renewable energy parks at 3 council owned agricultural sites and replaces that strategy with an alternative scheme which includes sites not requiring the use of grades 1&2 agricultural land, which could produce the same financial and environmental outcomes for the Council without the consequences of the loss of livelihoods for tenant farmers and without having a damaging effect on a viable local industry.

The motion was seconded by Councillor Sanders, who reserved his right to speak.

Following a query from Councillor Sandford in relation to Councillor Harrington's motion being of a similar nature to one previously submitted within a six month period, the Mayor advised that he had taken advice and had allowed the motion.

Councillor Seaton addressed the meeting and outlined a number of facts relating to Cabinet's decision of July 2012 to approve the outline strategy.

Members debated the motion and raised points including:

- The Council had a duty to ensure that high quality agricultural land was used for that particular purpose;
- Would the lifespan of these installations be as long as the tenant farmer leases for the land?
- The Council did not have to use this particular land, there was other land available;
- Renewable energy alternatives needed to be explored;
- The land was owned by the Council and it had a duty to provide the best services to the residents of Peterborough;
- Grid connections were available at all three sites, with the Newborough site only needing to be upgraded;
- The first priority for the Council was to provide services for all residents of the city;

Following debate, Councillor Sanders exercised his right to speak and stated that the land was valuable Grade 1 and Grade 2 food growing land and the use of this land for anything other than this purpose went against the Local Plan and question whether the scheme would demonstrate value for money. There had been no parallel scheme to

consider and certain financial information had been withheld throughout the scrutiny process.

Councillor Harrington exercised his right of reply as the mover of the original motion and in so doing stated that the removal of a prime asset, to be replaced by another prime asset, was wrong and that the future of food production was a priority.

Following debate, all Members agreed to a recorded vote being taken. Members voted as follows:

Councillors for: Ash, Fletcher, Forbes, JR Fox, JA Fox, Harrington, Jamil, Johnson, Khan, Lane, Miners, Murphy, Saltmarsh, Sanders, Shabbir, Sharp, Shearman, Swift, Sylvester and Thulbourn

Councillors against: Allen, Arculus, Casey, Cereste, Davidson, Eley, Fitzgerald, Goodwin, Harper, Hiller, Holdich, Kreling, Lamb, Lee, Maqbool, McKean, Nadeem, Nawaz, Over, Peach, Rush, Sandford, Scott, Seaton, Serluca, Shaheed, Stokes, Thacker, Todd and Walsh

Councillors abstaining: Simons.

The motion was **DEFEATED** (20 for, 30 against and 1 abstention).

2. Councillor Sandford moved the following motion:

That this Council:

1. Notes that the Localism Act (2011) has given local authorities much more freedom to adopt systems of governance which suit their needs, including an option to revert to a committee system;
2. Notes that the current leader and cabinet model (such as that operated in Peterborough) has been criticised for putting too much power in the hands of a few councillors, under utilising the skills and experience of councillors not in the cabinet and making it difficult to effectively challenge decisions; and
3. Asks the Council Solicitor to convene a meeting of the Constitutional Review Group (including representatives of all groups on the Council) to consider the benefits or otherwise of changing to a committee system or some other model and to report back to a meeting of Council on its findings not later than April 2013.

The motion was seconded by Councillor Shaheed.

Members debated the motion and raised points including:

- The current system allowed for all Members to have input prior to a decision being made by Cabinet or a Cabinet Member;
- The decision making process would be slowed if the committee system was implemented;
- The return to a committee system would mean better democracy and better outcomes for Peterborough;
- The Scrutiny Committee Officer support was professional, accurate and helpful and the scrutiny system had improved;
- It was felt that democratic debate was stifled on certain items;
- The committee system was a more beneficial system and there was more inclusion;
- The Cabinet System worked more efficiently;

- There were many opportunities for Members to challenge decisions and a number of additional meetings had been convened to further discuss contentious issues.

Councillor Sandford exercised his right of reply as the mover of the original motion stating that the motion was to investigate proposals only and in doing so, make an informed choice as to how to progress the system forward.

A vote was taken (7 for, 27 against and 9 abstentions) and the motion was **DEFEATED**.

16. Reports and Recommendations

a) Updates to the Constitution – Authority to Issue Fixed Penalty Notices

Councillor Walsh introduced and moved the recommendations that Council approve an amendment to the Constitution to permit the Executive Director of Operations to enter into arrangements with Cambridgeshire Constabulary, permitting its Officers to issue fixed penalty notices on behalf of Peterborough City Council in respect of littering offences. This was seconded by Councillor Harper, who reserved his right to speak.

Members debated the recommendations and it was noted that the inclusion of further enforcement issues such as parking on grass verges and dog fouling, had not been incorporated into the amendments.

Councillor Hiller commented that the recommendations had come directly from the Police; the recommendations had not been imposed by the Council.

Councillor Harper exercised his right to speak and stated that the community needed to partly take responsibility.

Councillor Walsh stated that further discussions would be held with the Police in order to explore the possibility of granting them further enforcement powers.

A vote was taken (unanimous) and it was **RESOLVED** to:

Approve the amendment to the Constitution to permit the Executive Director of Operations to enter into arrangements with Cambridgeshire Constabulary, permitting its Officers to issue fixed penalty notices on behalf of Peterborough City Council in respect of the relevant offences.

b) Peterborough Children and Families Joint Commissioning Board

Councillor Scott introduced and moved the recommendations that Council agree to amend the Major Policy Framework and remove the Children and Young People's Plan, which was no longer a statutory requirement, and to replace the Peterborough Children's Trust Board with a Children and Families Joint Commissioning Board. This was seconded by Councillor Goodwin, who reserved her right to speak.

Members debated the recommendations and concerns were highlighted regarding the meeting not being held in public.

Councillor Scott stated that the Children's Trust Board had previously met in private, however she was committed to openness and she would write to Members in due course about transparency of the new Board and how it could interact with Scrutiny.

A vote was taken (unanimous) and it was **RESOLVED**:

That Council agreed:

1. To amend the Major Policy Framework and remove the Children and Young People's Plan, which was no longer a statutory requirement; and
2. To replace the Peterborough Children's Trust Board with a Children and Families Joint Commissioning Board.

c) Additional Meeting of Full Council – 30 January 2013

Councillor Seaton introduced the report and moved the recommendation that Council agree for an additional ordinary meeting of Council to be held on 30 January 2013. This was seconded by Councillor Holdich, who reserved his right to speak.

A vote was taken (unanimous) and it was **RESOLVED**:

That Council agreed for an additional ordinary meeting of Council to be held on 30 January 2013.

The Mayor
19.00 – 22.20

FULL COUNCIL 5 DECEMBER 2012

QUESTIONS AND ANSWERS

Questions were received under the following categories:

<u>COMMUNITY INVOLVEMENT TIME</u>	
7	<u>Questions with notice by members of the public</u>
1.	<p>Question from Alex Terry</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Has the cabinet ensured that the ambitious plans for Peterborough Energy Farms are going to be built by a firm who have the experience to best minimise the impact upon the local community and to offer best value for council tax payers?</p> <p>Councillor Cereste responded:</p> <p>With regards offering best value for the Council, the Council let an installation contract to the market at the relevant time in accordance with the OJEU Process. This was open to the entire market and it was openly stated that it would apply to ground mounted opportunities. The Council only went to the market in October 2011 and it considers it an inappropriate use of Council funds to re-bid or let a new installation contract at this stage, given that it is only a year old.</p> <p>Furthermore, as part of the Value for Money condition of the OJEU process and taking into account the falling price of solar panels globally, Council is re-negotiating with Mears the installation prices for the various solar projects that are pending. The actual cost of the solar farms proposed, as stated in the October Cabinet report, is within the limits stated in the OJEU contract. Indeed the fact that Council can realise solar farms with larger capacity for the same cost a year on, is a testament to the Council's pursuit of value for money. In terms of Mears' financial solvency, the contract value of the project represents only some 6% of their total turnover.</p> <p>The build out of any schemes by Mears will be in accordance with the specification of the Council. It will be designed to minimise the impact on the local community.</p> <p>Alex Terry asked the following supplementary question:</p> <p>Can the Cabinet explain why do they think it acceptable to use for their three new, huge, energy farms the successful bidder from the October 2011 procurement process for rooftop solar installations rather than seeking a new tender considering that the maximum wattage mentioned in the Council's contract with Mears is five megawatts and £200m is allocated for the contract and in the most recent 5 November report to Cabinet, it is claimed that an 84 megawatt installation by the same contractor will only cost £340m?</p> <p>Councillor Cereste responded:</p> <p>I have already said specifically that the contract was also for ground mounted</p>

	<p>installations and that within the contract it enables us to renegotiate the costs, so there isn't any way that it will cost £3.36b and you can be absolutely certain that this Council will do absolutely everything it can to get the very best value for this city and we will continue to do so.</p>
<p>2.</p>	<p>Question from Chris Stirling</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>On the basis of the figures the Council have supplied the return on investment of the scheme being put forward for planning permission would attract less return than putting the money in a high street bank account. On the basis of this, how can the Council justify the financial justification that was presented to Cabinet and Scrutiny Committees in the past month?</p> <p>Councillor Cereste responded:</p> <p>In accordance with the Council's Treasury Management Strategy (TMS), approved each year as part of the Medium Term Financial Strategy (MTFS), the Council has been running down its cash reserves in order to fund its Capital Programme. This means that surplus cash arises from cash flow movements only, and therefore investment activity is at a minimum. The Strategy was implemented in context of the continuing Eurozone crisis and uncertainty within the UK economy, which has seen British banks having their credit ratings downgraded, which in turn has affected the Council's lending list. The Council is operating a restrictive lending list, where surplus cash is only invested for the short term with Barclays (maximum £5m), other Local Authorities, and the Debt Management Office (DMO). This Strategy has been adopted in order to maximise the security and liquidity of the Council's cash deposits, rather than investment returns.</p> <p>It should also be noted that it is unlawful for the Council to borrow monies purely to invest and make a return, and as such the Council will not engage in such activity.</p> <p>Therefore in answer to the above question in order to mitigate treasury risk the Council is investing its cash balances to fund the capital programme, and borrowing is only undertaken when required to fund the capital programme. Thus there is no opportunity for the Council to invest in high interest savings account as this would involve borrowing for revenue purposes which is unlawful, but also against the Council's agreed investment strategy.</p> <p>Given the bank failures of recent times and continued uncertainty around banking regulation and solvency, I question whether the high street really would be less risky.</p> <p>Chris Stirling asked the following supplementary question:</p> <p>Given the differences in investment in the wind turbine scheme and solar scheme, would the Councillor agree that if planning permission for the wind turbines is not granted next year, that this scheme would be no longer financially viable?</p> <p>Councillor Cereste responded:</p> <p>No I don't agree.</p>
<p>3.</p>	<p>Question from Dawn Clipston</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p>

	<p>Councillor Cereste, in your report of July 2012, you originally identified 3000 acres for this proposal. The October 2012 report now details 900 acres. Could you please clarify exactly what are your short, medium and long term plans for the agricultural land totalling approximately 2100 acres outside of the 900 acres currently being proposed and consulted upon?</p> <p>Councillor Cereste responded:</p> <p>There are no other plans to develop out the rest of the council's agricultural land. We will work with the tenant farmers if they wish to work with us to help them find investment opportunities so that they can improve their sustainability and profitability, because the council recognises that they are a valuable part of the local economy. However as a Council we continually review our property holdings including Farm Land and assets to identify a suitable future. In some cases this could include disposal.</p> <p>Dawn Clipston asked the following supplementary question:</p> <p>Does the Local Authority not already have enough ongoing responsibility to its tenant farmers both in statute and morally as well as a responsibility to the council tax payers, it is increasingly recognised that that the best outcome for tenant farmers and council tax payers are achieved when local authorities manage their farm estates within the context of robust and comprehensive asset management plans? What is the city council going to be doing to develop such a plan for Peterborough and if nothing, surely that indicates that the city council is failing both its tenant farmers and council tax payers?</p> <p>Councillor Cereste responded:</p> <p>I am quite happy for me to write to you and confirm that there are no other plans to develop out the rest of the Council's agricultural land and yes I accept everything you say about us having to do the best for our assets and tenant farmers and the people of this city. And one of the things we also have to do for the people of this city is try to make sure that we buffer them from the increases in energy costs that we are seeing on a regular basis. The average family spends £67 per week on energy in this country and this local authority can do something to mitigate that problem, to stop people from being energy poor and try to help every single resident in this city live a better life and spend less money, and even have energy, as there is always the possibility that if they don't build all the plants they are supposed to build we will be having blackouts and we won't have the energy that we need. It may very well be that the planning authority decides that it is not to go ahead and that is something to be decided, but we as an authority have a duty of care not only to the tenant farmers but to everybody else in this city. I am very concerned about the tenant farmers and we will do everything that we can to do the very best by them.</p>
8	<p><u>Questions with notice by Members relating to ward matters to the Cabinet Members and to Committee Chairmen</u></p>
1.	<p>Question from Councillor Shaheed</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>The new retail park at brotherhood has recently opened and, while providing a great shopping experience and economic boost, it has resulted in complaints from residents regarding the traffic issues. I've been quoted as saying that the levels of traffic have been exaggerated due to it being new and with it being near to Christmas. My quote stated that towards January/February time we should have a more accurate idea as to what the level of congestion might be. Should it remain to be the same as it is now are</p>

	<p>there any contingency plans to look at alternative road plans to alleviate those levels?</p> <p>Councillor Hiller responded:</p> <p>As Councillor Shaheed is quoted as stating in the local paper, it's not unusual for short term problems to occur when a large new retail development opens, and I agree with him completely. All Members will remember the Peterborough Garden Park, Eye, where we had traffic issues for the first few weekends after opening, traffic volumes however were soon substantially lower and there are currently very few problems there at all. The Member for Walton is also quoted as saying that he hasn't personally had any complaints regarding the traffic and neither have I or any of our Officers actually, if traffic problems do occur at specific times I imagine they will be problematic for vehicles exiting the park rather than drivers being inconvenienced along the main road. It should also be remember of course that we are in the Christmas shopping period.</p> <p>Our Officers will review the situation in February, when I imagine that traffic levels generally will have returned to what they were before the new development. I will of course share that data with all the Walton ward Members.</p> <p>It has to be remembered that this was indeed a large retail park before the new shops opened and whilst we have problems currently, we haven't had any at all over the last short period whilst the construction work was ongoing.</p> <p>Councillor Shaheed asked the following supplementary question:</p> <p>I believe the developer paid around £1m with regards to the POIS for the development, if it were to be found that the traffic situation did remain, would part of that funding be used in order to address that?</p> <p>Councillor Hiller responded:</p> <p>I can't guarantee that, however what I would guarantee is that we will look at the traffic level in February, well into the new year, and I'm more than happy to share that consultation and observations with the Ward Member.</p>
2.	<p>Question from Councillor Fower</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>Gunthorpe Road continues to see year on year increases in traffic and problems of speeding, for example one police report showed one vehicle had been recorded travelling at 70 mph. With the housing development at Norwood, can the cabinet member please let me know whether there are any plans to introduce a crossing between Norwood School and the shops and if there are no plans, why not and what actions should local residents take to secure such a sensible road safety measure being introduced?</p> <p>Councillor Hiller responded:</p> <p>Firstly, let me reassure Councillor Fower that the safety of our children is paramount.</p> <p>Nearby traffic counters indicate that traffic levels in the area have remained relatively static since 2006. The largest demand for a crossing here is at either end of the school day, when a safe crossing facility is provided by a school crossing patroller.</p> <p>I am sure Members will appreciate that during these times of unprecedented financial austerity the Council's funds are limited and that decisions about where to prioritise</p>

	<p>investment in highway improvements has to be based on robust and factual data. Decisions for engineering intervention are normally based on the 85th percentile (the speed at which 85% of people travel at or below) and not the highest recorded speed. Speed data shows that the 85th percentile at this site is well within the speed limit. Using this well tested methodology, other sites within the city have a greater safety need. However, should further funds become available then this request will be considered and I will ask the Neighborhood Manager to look at any potential alternative funding sources.</p> <p>When proposals are submitted for the Norwood development we will of course investigate that highway development improvements using POIS, or in the future CIL.</p> <p>There was no supplementary question as Councillor Fower had submitted his apologies for the meeting.</p>
3.	<p>Question from Councillor Saltmarsh</p> <p>To Councillor Seaton, Cabinet member for Resources:</p> <p>Noting Cabinet decision to close Welland House Residential Care Home can the Cabinet Member advise me of the future plans made regarding the use of the building and the site in view of the fact that the other residential care home in Dogsthorpe Ward "The Peverels" still remains empty and unused after its closure two years ago?</p> <p>Councillor Seaton responded:</p> <p>Now that the closure of Welland House has been confirmed, the Council will initially consider options for its use in support of Council objectives. Should it be decided that there is no internal use then the Council will look at suitable disposal options. Ward Members will be kept informed as to the options that are being considered.</p> <p>With regard to the sale of The Peverels, I believe Councillor Saltmarsh is aware that we also looked at whether that site should be used internally before deciding to sell it. She will know that options for redevelopment have been more limited than usual in view of the setting amongst existing supported housing and the many older or vulnerable people residing in this cul-de-sac. We have therefore had to be very sensitive and careful in our approach. However we have kept the Liberals fully advised of developments with disposal action now at an advanced stage and we hope to bring it to a conclusion shortly.</p> <p>Councillor Saltmarsh asked the following supplementary question:</p> <p>£2m had been set aside for redundancy payments to adult social care staff, why was this money not used to refurbish Welland House, as the cost of this was put at £1.44m? This centre could have also then become the new centre for the new specialist dementia unit. Surely this would have made a saving of around £6.56m?</p> <p>Councillor Seaton responded:</p> <p>I'm sure if Cllr Saltmarsh addresses her queries to Councillor Fitzgerald separately he will be happy to address those issue with her yet again.</p>
4.	<p>Question from Councillor Lane</p> <p>To Councillor Elsey, Cabinet Advisor to the Deputy Leader:</p> <p>Since delivery of the new food waste bins and caddies, it has been reported to Members</p>

	<p>for Werrington North that some of these bins have been found blown around the streets after collection vehicles have left. One was reported as having a damaged handle because of its vulnerability with being exposed to all kind of elements. Can the complainants and all Werrington residents be assured that there will be no charge for any replacement of broken or lost bins that are, after all, helping to create an income for the Council?</p> <p>Councillor Elsey responded:</p> <p>The City Council and Enterprise Peterborough will replace lost and broken bins that have occurred through no fault of the resident, e.g. being blown by high winds into the road on collection day.</p> <p>It is unfortunate that such severe weather as we have experienced in recent weeks has coincided with the new service, too soon for a regular 'working pattern' to have become settled into by both crews and residents.</p> <p>I would like to make clear that, the service is not "creating an income for the Council" but helping the Council, as Waste Disposal Authority, to save money by paying significantly less to send the food for Anaerobic Digestion rather than continuing to bury it in ever increasingly expensive landfills.</p> <p>Furthermore, all equipment, whether bio-degradable liner, recycled plastic caddy or whole new collection vehicle, has been funded by Enterprise Peterborough in the spirit of partnership and the provision of a modern, comprehensive and efficient first class waste collection service, which, whilst currently in 'settling in' stage, we in Peterborough should be proud to have.</p> <p>Councillor Lane asked the following supplementary question:</p> <p>I would like for Councillor Elsey to pass on my thanks to Officers from Enterprise for responding in the way they did to this issue, I understand that the collection officers have been receiving further training and I must say that despite the opinion we have on Enterprise Peterborough and on how they are managing the landscape around the city, Officers have always responded to me personally in a good way and I'm very grateful for that help thank you.</p> <p>Councillor Elsey responded:</p> <p>Thank you for your kind comments Councillor Lane. It will be my pleasure to pass them on.</p>
5.	<p>Question from Councillor Miners</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>Referring to a recent letter received from a local resident concerning a local issue which has been raised by myself and others previously, could the Cabinet Member please advise council why nothing has been done to address the flooding problem outside the Tesco Express Garage shop on Welland Road, adjacent to the raised pedestrian crossing, as on arrival of even fairly heavy rain the drainage system is obviously not adequate to prevent flooding across the road having a knock-on effect to other small road junctions nearby?</p> <p>Councillor Hiller may respond:</p> <p>Thank you Councillor Miners for bringing this matter to my attention.</p>

	<p>There is a gully located to the left of the Tesco vehicular entrance which is designed to take all surface water flows within its catchment. During heavy rainfall this gully fills quickly and causes localised standing water. The Council's drainage contractor ADC has made a number of visits to remove the surface water, with the last visit being on Wednesday 21 November 2012. On this and an earlier site visit, when the surface water was being withdrawn the gully pot refilled quickly suggesting a back up in the main Anglian Water surface water sewer. This could be due to either a capacity issue or minor blockage within the main line.</p> <p>Anglian Water has been notified and will investigate and undertake any necessary action required to their main surface water sewer. Our officers will have a meeting with Anglian Water on 12 December to discuss this and other surface water issues in relation to main sewers that are either blocked or at capacity resulting in the public highway suffering from localised standing water.</p> <p>I will ensure that Councillor Miners is updated after that meeting regarding a resolution to that particular problem that he has raised.</p> <p>Councillor Miners asked the following supplementary question:</p> <p>Will the Cabinet Member be willing to meet with Local Councillors and local residents on the site to discuss the issues and solution, if it becomes necessary and if a solution isn't found?</p> <p>Councillor Hiller responded:</p> <p>I would of course be more than happy to meet the Ward Councillors.</p>
6.	<p>Question from Councillor John Fox</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>Werrington Neighbourhood Council has recently had its Community Association Grant stopped thereby putting them in a financial dilemma and their future looking in doubt. The reason given is that they do not own property, which has been the case since their foundation several years ago.</p> <p>Werrington Neighbourhood Council are unique in their operation serving and representing over 6,500 householders in Werrington and at no direct expense to the residents other than around £700 a year to run.</p> <p>Can this administration assure me that they will look into ways of supporting Werrington Neighbourhood Council as a special case and provide them with the relevant funding necessary, as they do for the Residents Associations which WNC basically is.</p> <p>WNC is a prime example of what this government is trying to achieve through the Localism Act, putting "People before Politics" and giving the public more input into what happens in their area.</p> <p>They are a shining beacon of success, so what real reasons are there to extinguish this beacon.</p> <p>Councillor Hiller may have responded:</p> <p>The council has worked with Werrington Neighbourhood Council for a number of years, and has provided financial support in the past.</p>

	<p>For this current year however a means-tested approach was adopted by the council, primarily to ensure that the limited funding available was invested in the most appropriate way.</p> <p>The aim of the Community Association Grant was detailed in the application process as being to 'provide financial support to constituted Community Associations who run or manage community centres on the Council's behalf in the Peterborough Local Authority area'. This approach means that Associations that are running council-owned centres are supported, those centres being important places for accessing information, services, education and social activities for the whole of their community.</p> <p>Werrington Neighbourhood Council does not run or manage a Community Centre and thus does not fall within the criteria for a grant. It is for this reason that we are unable to award a grant to them for this year. However, there is no reason why the Ward Councillors may not support Werrington Neighbourhood Council from their Community Leadership Fund allocation, if they consider it to be worthy of such funding.</p>
7.	<p>Question from Councillor Miners</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>Could the Dogsthorpe community be updated as to the current state of the Lease Transfer of the John Mansfield Centre to the Innova Trust, and confirm that something is being done to make the Western Avenue frontage of the whole site more appealing and attractive to the eye, than the current eyesore?</p> <p>Councillor Hiller may have responded:</p> <p>The council has invested significant sums into the redevelopment of the former John Mansfield School, including foregoing the capital receipt for the site on which it is located.</p> <p>A new, modern facility for the whole of Peterborough has now been created which accommodates services delivered by City College Peterborough, and which provides a local base for the Neighbourhood Police team and space for the community and others to hire.</p> <p>The council also remains committed to entering into a long lease arrangement with a third party to manage the facility on behalf of the council and the residents of Peterborough, thereby demonstrating our commitment to the Localism agenda.</p> <p>The land to the front and rear of the Centre is due to be marketed for sale for the construction of up to 140 dwellings.</p> <p>The land to the front of the site in question will provide approximately 15 to 18 building plots, and when complete will resolve the issue of maintenance of this part of the site.</p>
8.	<p>Question from Councillor Davidson</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>Given the expected re-development of the Werrington Centre, can the cabinet member please tell me if there are any plans to help reduce rising traffic congestion along Fulbridge Road and David's lane by making use of the bus route that runs along Goodwin Walk past the entrance to Welbourne?</p>

	<p>Councillor Hiller may have responded:</p> <p>The impact on the local highway network as a result of the redevelopment of Werrington Centre had been assessed and as a result a roundabout will be implemented at the junction of Staniland Way and Davids Lane improving capacity at this junction. No further mitigation was found necessary and it was not considered necessary to open up the busway in Goodwin Walk to all traffic. Opening up Goodwin Walk would not only require numerous junction improvements to allow vehicles to manoeuvre in to and out of Goodwin Walk, cause delays to the existing bus services that use this prioritised route and is likely to discourage passengers from using the services. Opening up this public transport corridor is at odds with PCC's aspirations to become an environmental capital.</p>
9.	<p>Question from Councillor Davidson</p> <p>To Councillor Elsey, Cabinet Advisor to the Deputy Leader:</p> <p>Enterprise staff that work on the waste collection lorries have a general working shift of 6.30am to 4.30pm. However, I am aware that some shifts can continue until 7.00pm and the staff have no choice but to work these longer hours. This also affects residents who are requested to leave their bins outside their properties for collection by 6.45am but don't have them collected until the evening. Could this situation be resolved by returning to a five day collection routine to ensure a more timely collection of bins and thereby also saving money paid in overtime?</p> <p>Councillor Elsey may have responded:</p> <p>Enterprise Peterborough entered into this partnership on the basis of planned round efficiency improvements and the introduction of a weekly food waste collection service. With the recent purchase of a specialised, purpose-built fleet of 13 vehicles they were now able to bring those round efficiencies into place. These efficiencies are not only financial, but also result in significantly reduced environmental impact from improved recycling.</p> <p>Furthermore the logistics of route-planning, undertaken by Enterprise's dedicated team of Geographical Information Systems (GIS) Analysts was a highly detailed task, working with the very latest housing data to ensure no properties in Peterborough are missed by the collection teams.</p> <p>It will, naturally, take a number of weeks to "settle", particularly as, until this week, vehicles have been involved in a "data capture routing programme" for the benefit of the IT systems on which they now operate, a recycling and refuse "Sat-Nav" map if you like.</p> <p>It is due to that much needed work that Enterprise were sure the collection times residents were used to <i>would</i> change, hence the communication of the 6:45am time for presentation of bins. Better a bin to be out in time than only put out once the crew have passed.</p> <p>Enterprise Peterborough shared all this with the unions who put it to their members, the Enterprise crews, who unanimously chose to remain on the Four-day week, working longer hours if necessary. Since the introduction of the new rounds – only 3 wks ago – Enterprise have identified potential improvements which they are taking to the unions, and those, combined with an initial "bedding-in" period would see times return towards the more accustomed working hours.</p>
10.	<p>Question from Councillor Harrington</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning,</p>

	<p>Economic Development, Business Engagement and Environment Capital:</p> <p>Considering that only one company submitted a final tender for the contract earlier this year for the supplying and installing of solar panels and wind turbines on approximately 900 acres of prime farm land, can the Leader reassure the council that he is completely satisfied that the correct procedures for procurement were followed and when considering the magnitude of the scheme and the huge sums of money involved, does he not think it would have been prudent to re-advertise and re-issue the invitation to tender to guarantee better value for money for the taxpayers of Peterborough?</p> <p>Councillor Cereste may have responded:</p> <p>With regards offering best value for the taxpayers of Peterborough - the Council let an installation contract to the market at the relevant time in accordance with the OJEU Process. This was open to the entire market and it was openly stated that it would apply to ground mounted opportunities. All potential candidates had the opportunity to submit a bid, however, Mears were the only entity to submit a valid bid which was in accordance with the Council's criteria (under the terms of the procurement). The Council only went to the market in October 2011 and it considers it an inappropriate use of Council funds to re-bid or let a new installation contract at this stage, given that it is only 1 year into that 4 year framework.</p> <p>Furthermore, as part of the Value for Money condition of the OJEU process and taking into account the falling price of solar panels globally, the Council is re-negotiating with Mears the installation prices for the various solar projects pending. It should be noted that the capital cost of the project stated in the October cabinet report include operating costs and finance costs over the 25 years of the project.</p>
11.	<p>Question from Councillor Fower</p> <p>To Councillor Hiller, Cabinet Member for Housing , Neighbourhoods and Planning:</p> <p>I continue to receive complaints relating to cars parking irresponsibly or illegally outside of Schools like Norwood and Werrington Primary. Last year I raised this issue with the leader who assured me that the new small car with a camera on the top would be used to address such problems, but to date I and my colleagues have received no such updates or indication that such action has occurred. Is this car being used in the South Werrington and North Gunthorpe ward and if it is how many fines has it issued?</p> <p>Councillor Hiller may have responded:</p> <p>The council's parking enforcement Smart Car has very positively supplemented our work to make our streets safer and to identify those people that choose to ignore the law.</p> <p>The car is able to enforce parking restrictions in an automatic 'drive-by' mode, where it can enforce all 'no-stopping' restrictions such as clearways, bus stops, taxi ranks, school zigzag markings, pedestrian crossing markings, and cycle tracks and lanes. The on-board GPS system monitors the car's location enabling the camera to work unattended by simply being driven past the restricted area, and the camera will capture evidence as it does so for a trained officer to review later.</p> <p>As more and more councils have purchased similar enforcement vehicles, the Department for Transport has issued guidance that states that the Smart Car should only be used where enforcement is difficult or sensitive, and where foot patrols by enforcement officers is not practical. This has placed more restrictions on its use than we had originally intended, albeit that the car is still fully actively used during daylight hours.</p>

	With specific reference to the two schools mentioned there have been no complaints recorded in respect to parking on the school zigzag markings. However since the introduction of the car a total of eight penalty notices have been issued in Amberley Slope and one in Gunthorpe Rd.
--	---

9	<u>Questions with notice by Members to Council representatives of the Police and Fire Authorities</u>
	None.

EXECUTIVE BUSINESS TIME

11 Questions with Notice to the Leader and Members of the Executive

1. Question from Councillor Casey

To Councillor Holdich, Cabinet member for Education, Skills and University:

One of the legacies left by the late Councillor Bob Burke was the annual music awards in his name. Could the Cabinet member for Education please inform Council how this legacy is continuing?

Councillor Holdich responded:

The Bob Burke Music Awards have previously been awarded to young musicians by the Peterborough Youth Bands and Orchestras (PYBO), this was until recently managed by the Cambridgeshire Instrumental Music Agency on behalf of PCC

The recently established Peterborough Music Partnership (PMP) has established the City of Peterborough Youth Ensembles (CPYE). Plans to hold a Bob Burke Music Awards Ceremony are included within the PMP business plan for the Spring Term. Bob Burke's family are to be invited to attend. This is supported by the CYPE Parents Association.

Vivacity, working in partnership with the Peterborough Music Partnership has also suggested the possibility of establishing a prestigious awards event for the arts, including music, and it might be desirable to link the two events in the future.

Councillor Casey asked the following supplementary question:

Following the Henley review, which was published at the end of last year, the city was successful in gaining £750k to be spread over three years for the development of music and education. The Peterborough Music Partnership aims to introduce as many children as possible to the subject in a practical way. Does the Cabinet Member for Education agree with me that whilst the successful grant application is to be welcomed, the true success of this initiative will only be able to be judged in ten years time and beyond and that an all encompassing music strategy for the city needs to be developed to realise the creative potential for Peterborough?

Councillor Holdich responded:

The music partnership got a £750k grant for three years, but the huge cost of it is the infrastructure in buying the equipment, the musical instruments and so on. That is a one off cost and at the end of the three years the costs of the infrastructure will be paid for and a small charge will be made to the schools to continue the musical partnership.

Councillor Lee stated that as the Cabinet Member for Cultural Services, in consultation with the Cabinet Member for Education, assurance was given that an all inclusive Music Strategy was to be brought forward as part of the city's Arts Strategy.

2. Question from Councillor Fletcher

To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:

	<p>As the council appointed directors of Blue Sky Ltd are two elected members, plus one PCC officer, can it be clarified exactly what level of remuneration they presently receive from that company and if it is a nil amount, is it envisaged these directorships will remain unpaid and that all shares in the company will remain 100% owned by PCC?</p> <p>Councillor Cereste responded:</p> <p>I can confirm that there is no remuneration paid by Blue Sky Peterborough for the individual directors appointed by the council to Blue Sky Peterborough. There has been no suggestion that this position will change. Similarly there has been no discussion around any change to shareholdings by the council in Blue Sky Peterborough. If this were to change in the future then this matter would be subject to a decision by Cabinet.</p> <p>Councillor Fletcher did not have a supplementary question.</p>
3.	<p>Question from Councillor Harrington</p> <p>To Councillor Fitzgerald, Cabinet Member for Adult Social Care:</p> <p>In light of the recent report from the Care Quality Commission stating that there are serious shortcomings in the care provided for elderly and dementia patients and that up to 50% of dementia patients who receive their care from private sector providers are receiving care which is below recognised minimum standards in terms of nutrition and personal hygiene, can the Cabinet Member assure my group and other councillors that the patients currently residing at Welland House will not befall the same fate when they are transferred to privately run homes?</p> <p>Councillor Fitzgerald responded:</p> <p>CQC check that the essential standards of quality and safety are being met. They focus on 16 standards that most directly relate to the quality and safety of care. Of the 17 independent providers in Peterborough, 14 have been inspected. 93% of the standards have been met.</p> <p>The CQC comments in their recent report that “while residential care homes and domiciliary care agencies performed relatively well on providing respectful and dignified care, with 93% and 95% of services meeting the standard in 2011/12 (5,984 and 1,680 inspections respectively), the performance of nursing homes was less positive at 85% (2,502 inspections)”.</p> <p>In Peterborough of the 14 independent care homes that have been inspected by CQC 100% have achieved this standard. The standard that relates to Councillor Harrington’s comment regarding nutrition is “Food and drink should meet people’s individual dietary needs”. Again in Peterborough we are achieving 93%</p> <p>All independent sector providers of residential care in Peterborough are reviewed on an annual basis by the Council’s own contracts and compliance team. These reviews use the Association of Directors of Adult Social Services (ADASS) toolkit and are based on best practice.</p> <p>Our processes are in addition to those used by the Care Quality Commission inspection and those implemented by our Health colleagues, and the LINK.</p> <p>Councillor Harrington asked the following supplementary question:</p> <p>Are you aware that the quality of training for staff within the private sector fell well below</p>

	<p>recognised standards and that the homes in the public sector fared much better?</p> <p>Councillor Fitzgerald responded:</p> <p>I'm aware of many factors concerning CQC and their reports, but Councillor Harrington is inferring that somehow people in the private sector or homes in the private sector fair better elsewhere. I wouldn't agree with that case and in fact perhaps Councillor Harrington should review our own CQC inspection rather than the selective CQC reports you seem to have picked upon because I think you might find some amazing reading.</p>
4.	<p>Question from Councillor Sandford</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Could the Leader of the Council tell me what action he is taking to make Council meetings and Council services more accessible to members of the public?</p> <p>In particular a number of councils now have internet broadcasting of full council and/or committee meetings and the cost of the technology needed for this has dropped considerably in recent years.</p> <p>Will he investigate the feasibility of introducing internet broadcasting of Peterborough City Council meetings?</p> <p>Councillor Cereste responded:</p> <p>In 2010, a substantial amount of research was undertaken into the feasibility of webcasting council meetings. At that stage, it was considered too expensive to implement a system. However, I am happy to commission further research in recognition of advancements in technology and potentially reduced charges.</p> <p>Councillor Sandford did not have a supplementary question.</p>
5.	<p>Question from Councillor Thulbourn</p> <p>To Councillor Elsey, Cabinet advisor to the Deputy Leader:</p> <p>Can the deputy leader give assurances that the building services division of Enterprise will continue to be a local and significant contributor to the local economy with the skills and jobs to be maintained within Peterborough? My concern is the apparent running down of this service which when with the council was a net contributor to the council and continues to be a profit silo within enterprise despite the continual move to other suppliers from outside the area which has had an effect on local businesses. Can you give me these assurances on behalf of the staff of building services and the local business community?</p> <p>Councillor Elsey responded:</p> <p>The Council remains fully committed to the Strategic Partnership with Enterprise.</p> <p>We continue to work closely with Enterprise Peterborough to support its own clearly stated ambition to grow its business locally and to encourage the use of local suppliers and businesses wherever and whenever appropriate.</p> <p>Peterborough City Council is not in itself in a position to offer guarantees of future work in respect of Enterprise's building services: Enterprise needs to continue to demonstrate its ability to provide high-quality and cost-effective services that meet the needs of all its</p>

	<p>customers, including the Council. Whenever it is in the best interests of the city, the Council has committed and remains committed to using Enterprise's services - as envisaged by the contract that underpins the Strategic Partnership.</p> <p>Enterprise Peterborough is currently consulting its own workforce on how it needs to reshape itself to meet current and future challenges. In doing so, it is right that it both take account of the likely demand for its services and restate its commitment to Peterborough as a city.</p> <p>Councillor Thulbourn asked the following supplementary question:</p> <p>How can I tell the bricklayer watching a company across the road building in Peterborough, and them not getting any work, and they used to get their work through building services?</p> <p>Councillor Elsey responded:</p> <p>I'm not sure I can add anything other than the answer I have already given, only that Enterprise Peterborough will use local people whenever and wherever possible and that Enterprise Peterborough need to demonstrate to us that they are competitive in every respect.</p>
6.	<p>Question from Councillor Martin</p> <p>To Councillor Seaton, Cabinet Member for Resources:</p> <p>The "Council Tax Support Scheme" is due to replace "Council Tax Benefit" from 1st April 2013. It is clear even with the Government's "transitional grant scheme", that over 70% of residents currently receiving 100% council tax benefit and the remainder of residents receiving partial support will have to find a significant amount of extra money each week to pay their council tax from 1st April 2013. Is the Cabinet Member aware of, and can he tell me, how many Peterborough residents this will impact upon and will inevitably be in a worse financial situation from April 2013?</p> <p>Councillor Seaton responded:</p> <p>Yes, I am aware of the answer to his question as I would hope are all members because this analysis was in the report to Cabinet on the 24 September, when we launched our proposals for consultation. It was also presented to Scrutiny on the 8 November – a meeting at which I believe Councillor Martin was present. Councillor Martin may also recall that the Medium Term Financial Strategy approved by Council in February this year included a requirement that the new council tax support scheme must be cost neutral i.e. any reduction in grant should be covered by a reduction in the costs of the scheme. I believe this principle was supported in the opposition's alternative budget.</p> <p>I will let Councillor Martin have another copy of the Cabinet report but to formally answer his first question, I would confirm the figures are:</p> <ul style="list-style-type: none"> • 8,437 households who previously received 100% council tax benefit (i.e. they had all of their bill paid) now have something to pay; and • 2,226 households will be paying more council tax than before <p>I should stress that Pensioners are exempt from these changes.</p> <p>With regards the second part of the question, the total bill for Council Tax benefit in Peterborough is around £8m and if the proposals are implemented as planned, the average household receiving benefit will in future pay around £5 per week extra.</p>

	<p>I would add that I recognise the impact this will have. Indeed the Cabinet report outlined a number of areas where the Council already has plans in place to help people on low incomes, and we are revisiting all of these to make sure that we support those affected as much as possible.</p> <p>However we should also reflect on why we have this issue. Since 1997 the bill nationally for Council Tax Benefit has more than doubled and it is claimed by one in four households. So not only did the last Labour Government fail to tackle the fundamental issue that it is better for people to be in work than on benefit, they allowed the cost of welfare to rise massively at the same time as they borrowed massively during the boom years.</p> <p>This Council takes a different view – we believe the biggest difference we can make is to help people off benefit and into work. One of the key priorities of this Cabinet is to deliver growth to our city, increasing opportunity and employment prospects for all. It is essential that we continue this drive, and in turn enable as many as people as possible to have the chance to come off benefit.</p> <p>Councillor Martin was not present at the meeting, therefore there was no supplementary question.</p>
7.	<p>Question from Councillor Davidson</p> <p>To Councillor Eley, Cabinet advisor to the Deputy Leader:</p> <p>Considering that blighted crops should not simply be sent to landfill due to the risk of blight spreading, why are allotment holders being advised that they can no longer burn this waste but must instead put it in black bin bags for landfill?</p> <p>Councillor Eley responded:</p> <p>Allotment holders have not been advised that they can no longer burn this waste, however as part of the terms and conditions of their tenancy they are not permitted to burn anything at the allotment site.</p> <p>Bagging their blighted crops before taking them home to put in their landfill bin has been suggested as a way to deal with the waste whilst managing the risk of airborne movement.</p> <p>Councillor Davidson did not have a supplementary question.</p>
8.	<p>Question from Councillor Harrington</p> <p>To Councillor Fitzgerald, Cabinet Member for Adult Social Care:</p> <p>Noting the discrepancy in the residential fees paid to private care homes by those who qualify for a means tested subsidy and those who do not; can the Cabinet Member commit to make available to any resident the council's negotiated residential care fee levels in order to provide a better deal for residential placements?</p> <p>Councillor Fitzgerald responded:</p> <p>No.</p> <p>Councillor Harrington asked the following supplementary question:</p>

	<p>Does the Cabinet Member agree that the residents who do not qualify for any means tested funding are being put at a disadvantage by the possibility of not being able to access the care home of their choice because the places are being taken by Council funded residents and therefore elderly residents who have been prudently financially all their lives, are now being discriminated against because the Council have taken advantage of the private sector?</p> <p>Councillor Fitzgerald responded:</p> <p>No. The eligibility criteria for care is carefully laid down as to who is eligible and who is not, so the Council have strict criteria about that. I don't think it is unfair, because if you have assets of more than £233k (there about) then you don't qualify for certain benefits and nor should you.</p> <p>The Council will, where it can, contract with any residential care home to agree the most favourable care fee level both on behalf of residents that it has a responsibility to fund, and on behalf of residents who are able to meet the cost of their own care. However, care homes are not obliged to contract with a local authority, and can freely enter into their own contractual arrangements with privately funding clients. The Council cannot compel care homes to contract with it and nor can it insist that residents are placed only in care homes that contract with the Council, as to do so would be in breach of the "Choice Directive" statutory direction which gives care home residents the freedom to make their own choice of care home.</p> <p>Those that we have to take care of, we will do, those that can fund and have the will to do so, we will do everything that we can do to help. It is not disadvantaging those people and there is plenty of capacity in the market.</p>
9.	<p>Question from Councillor Fower</p> <p>To Councillor Seaton, Cabinet Member for Resources:</p> <p>It is nearly a year since the City Council introduced the 'Local Lend a Hand' mortgage scheme - aimed at helping first time buyers secure a mortgage. With the present number of applicants on the local housing waiting list well over 9,000, can the cabinet member please inform me how many applications for the 'Local Lend a Hand' have been received, how many have been successful and what the cost has been to the city council?</p> <p>Councillor Seaton may have responded:</p> <p>I am delighted to advise Cllr Fower that by the end of October, 27 first time buyers had bought a home using the scheme, with another 7 buyers having a mortgage approved and looking for a home. A further number of applications are being considered. To date the indemnity stands at £660k rising to £721k if all outstanding applications were approved. We committed £1m to this indemnity.</p> <p>With regards to cost, that is another positive benefit of the scheme. The Council receives interest income from Lloyds on the sum it deposits with them to underwrite the scheme. This interest income to the Council is currently £44,000 per year.</p> <p>So not only does the scheme support first time buyers, it also makes the Council money.</p> <p>I can confirm that the scheme remains open, and the Council has committed to extend the scheme when the first allocation is used. Any first time buyers in the Peterborough should look at our website, or contact their local Lloyds branch to find out more.</p>
10.	<p>Question from Councillor Davidson</p>

	<p>To Councillor Elsey, Cabinet advisor to the Deputy Leader:</p> <p>I understand that it is now normal practice to have a fortnightly bin collection. Why therefore is one area of Peterborough, Taverners Road and adjoining roads, still receiving a weekly bin collection, when other residents are left to fortnightly collections, even now the new kitchen caddy has been introduced?</p> <p>Councillor Elsey may have responded:</p> <p>The whole of Central Ward has, in the last three weeks, now been moved onto the City wide Alternate Weekly Collection system. This method of collection has been in the news nationally and I am pleased to inform Council this is significant contribution towards driving recycling tonnages up. This transition to the common scheme has been planned for some time and it made sense to do this when the new collection vehicle fleet was being delivered and other changes were being made.</p> <p>Our partners at Enterprise Peterborough have been working hard to inform residents of the change, a letter going to every property, supplemented with door-to-door calls by members of their 'Community Engagement Team' advising on methods of waste minimisation, what can be recycled and the like.</p> <p>To follow that up extra refuse capacity was laid on yesterday to clear any bagged side waste and our own Enforcement Officers are due to be going out over coming weeks to work alongside Enterprise's staff to give the resident's help in both reducing their waste <i>and</i> ensuring it is not put out on the streets to create a nuisance.</p>
11.	<p>Question from Councillor Jamil</p> <p>To Councillor Holdich, Cabinet member for Education, Skills and University:</p> <p>Peterborough Children's Services Department has an excellent record in working with its Primary Schools to raise standards. In view of this, will the Cabinet Member give assurances that he believes that if the drive to raise standards is to continue to be effective, our Primary Schools should remain the responsibility of the Authority and its Governors?</p> <p>Councillor Holdich may have responded:</p> <p>It is our aim that all Peterborough schools should provide a good education for our children.</p> <p>There are different options available to schools should they wish to become an Academy. Good or Outstanding schools (as judged by OfSTED) can convert to become an Academy, or less successful schools can become a Sponsored Academy, with sponsorship and governance provided externally. In Peterborough we have had one converter Academy, with another to convert in January 2013. Where a school is under performing we will look actively at the solution of a sponsored academy if we are confident that this will bring the required capacity and improvement.</p> <p>Across both phases we currently have eight (soon to be nine) academies plus one Free School. Irrespective of the type of school, I believe the Local Authority will continue to have a key role in offering leadership, support and challenge and encouraging strong partnerships with all our schools to deliver effective teaching and learning to the children and young people of the city.</p>
12.	<p>Question from Councillor John Fox</p>

	<p>To Councillor Seaton, Cabinet Member for Resources:</p> <p>Was the issuing of expensive IT equipment to members, such as iphones and ipads, done to make them more accessible to the public and officers alike and if this is the case, then why is it that some of these members remain difficult to contact via email or phone and should this equipment therefore be removed from them if they are not using it to its full potential, thereby saving tax payers money?</p> <p>Councillor Seaton may have responded:</p> <p>With regards the upgrade of equipment to members, this took place as part of a wider renegotiation of Council contracts which saved the authority around £50,000 over 3 years.</p> <p>Benefits included free or reduced call charges, better support provision, more robust audit controls and an app that allows the iPhone to be traced if mislaid. As Cllr Fox suggests, it made members more accessible by allowing us to be contacted by e-mail whilst out and about in our wards or at the Town Hall. I find carrying a laptop can be inconvenient and so use an iPhone for this purpose. In addition Council equipment has high levels of encryption to avoid information being accessed. I know some members still like to use their own equipment and e-mail addresses, on the basis it saves the Council money. I would remind members that if such equipment is accessed and data lost, they are personally liable as registered data controllers and can be subject to fines up to £500k.</p> <p>There have also been wider benefits to the Council from these changes such as Neighbourhood teams utilising the camera on the iPhone instead of needing a separate camera, together with an app that allows the photo's to be time and date stamped. We are also looking at an app that lone workers can use that alerts team members if a user hasn't entered a code to say they are safe. Visiting officers will find this particularly useful, including Children's Services.</p> <p>On the point about members being difficult to contact, there are clearly a wide range of ways of doing this. For example I personally receive direct telephone calls, e-mails, texts, letters to my home or through the Council, attendance at Neighbourhood and police committees, my Parish Council, through being a school governor and at my local Community Centre. I am even stopped in the street and people knock on my door. If Cllr Fox is having problems contacting a fellow member has he therefore spoken directly to that individual about the issue as I believe that should be the starting point.</p>
13.	<p>Question from Councillor John Fox</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Does the Leader agree that more support should be given for planning and staging events for the Armed Forces Day celebrations held in June to positively recognise our armed forces veterans?</p> <p>Councillor Cereste may have responded:</p> <p>Since 2009, the Council has participated in celebrations to support Armed Forces Day. The Council flies the Armed Forces Day flag at 10.30am and leaves it <i>in situ</i> for one week. We also hold a service on the Town Hall steps, which is led by the Vicar of St John's Church and supported by the Royal British Legion, Peterborough Veterans' Association and local armed forces groups. A number of planning meetings are held prior to these events with representatives from all of the above. The Council is already in discussion with other associations, such as Supporters of Combat Stress, to plan for forthcoming</p>

	<p>events. Furthermore, the Civic Office has proactively contacted 51 other Civic Offices to ascertain what arrangements are in place to recognise Armed Forces Week. Responses are summarised as follows:</p> <ul style="list-style-type: none"> • 16 hold a flag raising ceremony • 17 do not make any formal arrangements although in some cases, groups of local ex-services personal arrange events • 3 hold events such as Veterans' badge presentations and services to celebrate the event. <p>I would be happy for more support to be given to our armed forces. Perhaps Cllr Fox would like to make some suggestions.</p>
14.	<p>Question from Councillor Miners</p> <p>To Councillor Cereste, Leader and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital:</p> <p>Recently both Cllr Harrington and I attended a conference relating to Governance Issues; how the Localism Act enables councils to choose the system they want locally and not have it imposed upon them by Central Government. Therefore, noting that the Cabinet system fails to be inclusive in its decision making, isn't it about time this local authority gave notice that it will consider the introduction of alternative forms of local governance and consign the Peterborough Cabinet system to the history bin?</p> <p>Councillor Cereste may have responded:</p> <p>I have no plans to recommend any changes to the current system of governance.</p>
15.	<p>Question from Councillor Sandford</p> <p>To Councillor Elsey, Cabinet advisor to the Deputy Leader:</p> <p>Peterborough City Council and Enterprise have just announced the first phase of plans for felling of a significant number of trees across the city including over 200 in Bretton Park.</p> <p>The social, economic and environmental benefits of trees are well recognised and the Peterborough Trees and Woodland Strategy calls for maintenance and expansion of the city's tree population.</p> <p>In view of this, could the cabinet member tell me what proportion of the £740,000 extra money put into the trees budget for this year has been allocated for tree and woodland planting and how many trees are scheduled to be planted by the Council or by Enterprise in the current tree planting season?</p> <p>Councillor Elsey may have responded:</p> <p>The capacity bid for £744,000 has been secured to deliver a detailed surveying and maintenance programme of Peterborough tree stocks. Enterprise Peterborough has been commissioned to carry out this additional work and to date they have started surveying trees and developing maintenance plans to ensure that the City's trees are maintained in a safe and healthy condition.</p> <p>The £744,000 secured by Operations is specifically for delivering the maintenance programme and as such this money is not for tree planting. However the Council has budgeted approximately £58,000 for tree planting and will be working with Enterprise to develop a green open spaces strategy which will include plans for intelligent tree and shrub planning.</p>

<p>In reference to the comments about Bretton Park, Enterprise Peterborough will be submitting plans to increase the tree cover in Bretton Park where trees are due to be removed.</p>
--

COUNCIL	AGENDA ITEM No. 4
30 JANUARY 2013	PUBLIC REPORT

MAYOR'S ANNOUNCEMENTS

1. PURPOSE OF REPORT: FOR INFORMATION

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

(Events marked with * denotes events attended by the Deputy Mayor on the Mayor's behalf).

2. ACTIVITIES AND INFORMATION – From 19 November 2012 to 30 January 2013

Attending	Event	Venue
Mayor, Mayoress and Deputy Mayor	Charity Coffee Morning	Reception Room
Deputy Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Thanksgiving Pie Social	RAF Alconbury
Deputy Mayor	Official opening of Discovery Primary School Atrium and Community Art Gallery	Discovery Primary School
Mayor and Mayoress	Women's Forum Event	Reception Room, Town Hall
Mayor, Mayoress and Deputy Mayor	Charity Committee	The Parlour
Mayor and Mayoress	Cub pack to visit the Mayor	The Parlour and Council Chamber
Mayor and Mayoress	Take Over Day	Peterborough Museum
Mayor and Mayoress	Visit by Gladstone School Council	The Chamber and Parlour
Deputy Mayor and Deputy Mayoress	Peterborough Inter-Faith Council - UN Children's Day Service	Peterborough Cathedral
Mayor and Mayoress	Peterborough Telegraph Annual Business Awards 2012	Peterborough Arena at the East of England Showground
Mayor and Mayoress	Netherton Friendship Club Christmas Sale	St Andrew's URC Church
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Mayor's Civic Service	All Saints Church Paston
Mayor and Mayoress	Meeting regarding arrangements for the Mayor's Ball	Holiday Inn, Peterborough
Mayor and Mayoress	Departmental visit to Planning, Transport and Engineering with Chief Executive	Stuart House
Mayor and Mayoress	Bob Burke's Funeral	St John's Church in Cathedral Square
Mayor and Mayoress	Official opening of Peterborough City Hospital	Peterborough City Hospital
Deputy Mayor	Meet Their Royal Highnesses The Duke and Duchess of Cambridge 25th Anniversary of Napier Place	Napier Place Sheltered Housing
Deputy Mayor and Deputy Mayoress	Launch of book: Peterborough in Detail	John Clare Theatre

Attending	Event	Venue
Mayor and Mayoress	Duke of Edinburgh's Award Presentation Evening	Town Hall
Mayor and Mayoress	Pop into the Disability Forum to sell Mayor's Charity Badges	Council Chamber
Mayor and Mayoress	17th Annual Volunteer Awards Evening	Reception Room
Mayor and Mayoress	City College Peterborough: Celebration of Students' Work	City College Peterborough
Mayor and Mayoress	Fund raising dinner for Butterfly Hospice - Mayor of Skegness	Grand Central
Deputy Mayor and Deputy Mayoress	Opening of Attica VIP Peterborough	Attica VIP
Mayor and Mayoress	Peterborough & District Deaf Children's Society (PDDCS) Under 11's Christmas Party	Jack Hunt School
Mayor and Mayoress	Mayor's Motorcycle Ride Christmas Charity Appeal	TA Centre
Mayor and Mayoress	Journey to Christmas in Music and Song	St John's Church
Mayor and Mayoress	Eye Community Association Christmas Fayre	Manor Farm Community Centre
Mayor and Mayoress	Daventry Civic Service	Daventry Town Council Offices
Mayor and Mayoress	Advent service – Pre-reception	Barclays Bank
Mayor and Mayoress	Kidney Research UK Advent Service	The Cathedral
Mayor and Mayoress	Citizenship Ceremony	Council Chamber
Mayor and Deputy Mayor	Full Council Preparation Meeting	The Parlour
Mayor and Deputy Mayor	Council Meeting Preparation	The Parlour
Mayor and Deputy Mayor	Full Council Meeting	Council Chamber
Deputy Mayor	Bondholder Business Breakfast	Peterborough Marriott
Mayor, Mayoress and Deputy Mayor	Charity Committee	Bourges Room
Mayor and Mayoress	A Royal Air Force Christmas Festival of Music	The Cathedral
Mayor and Mayoress	Mayor of Bourne's Christmas Lunch	Waterside Oasis Restaurant
Mayor and Mayoress	Mayor of March Civic Carol Service	St Peters Church
Mayor and Mayoress	Friends of Peterborough City Market Christmas Tree lights switch on	Peterborough City Market
Mayor and Mayoress	Peterborough Lions Carol Float	Sainsbury's
Mayor and Mayoress	Peterborough Crematorium Carol Service	Peterborough Crematorium
Mayor and Mayoress	Civic Christmas Carol	St Neots Parish Church
Deputy Mayor and Deputy Mayoress	Polish Christmas Evening	St John's Church
Mayor and Mayoress	Mayor's Charity Pamper Day	Reception Room
Mayor and Mayoress	Northants & Hunts Freemasons' Carol Service	The Cathedral
Mayor and Mayoress	European Partners Meeting	The Parlour and Council Chamber
Mayor and Mayoress	Mother Goose Panto Press Night	Key Theatre
Mayor, Mayoress and Deputy Mayor	Mince Pie Reception	Town Hall
Deputy Mayor	Halls Chemist Event	Halls The Chemist
Mayor and Mayoress	Children in Care visit to the Mayor	The Parlour

Attending	Event	Venue
Mayor and Mayoress	Visit by members of the gang show	The Parlour and Council Chamber
Mayor, Mayoress and Deputy Mayor	Mince Pie Reception	Town Hall
Deputy Mayor	Christmas Lunch	South Grove Community Centre
Mayor and Mayoress	Citizens Advice Bureau Annual General Meeting	The Fleet
Mayor and Mayoress	Reception for Sailability	The Parlour only
Mayor and Mayoress	Prince's Trust Team 29 Final Presentation Evening	Reception Room
Deputy Mayor and Deputy Mayoress	Huntingdon Town Council's Civic Carol Service	St Mary's Church
Mayor and Mayoress	Dogsthorpe Infant School Nativity Performance	Dogsthorpe Infant School
Mayor, Mayoress and Deputy Mayor	Christmas Wreath Laying	Town Hall
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Mayor's Charity Function	Reception Room
Deputy Mayor and Deputy Mayoress	KingsGate Christmas Carol Service	KingsGate Church
Mayor and Mayoress	KingsGate Christmas Carol Service	KingsGate Church
Mayor and Mayoress	Burma Star Association Christmas Lunch	Newark Hotel
Mayor and Mayoress	Christmas Spectacular	1203 Bourges Boulevard
Mayor and Mayoress	Excellence Awards	Chief Executive's Office
Mayor and Mayoress	Millfield Window Dressing Competition	Lincoln Road
Mayor and Mayoress	Netherton Friendship Club Christmas Party	St Andrew's Church Hall
Deputy Mayor	Citizenship Ceremony	Council Chamber
Mayor and Mayoress	Peterborough Deafblind Club Christmas Party	Rainbow Court
Mayor and Mayoress	Visit to the new Asda Living Store	Asda Living
Mayor, Mayoress and Deputy Mayor	Charity Committee	Forli Room
Deputy Mayor and Deputy Mayoress	Presentation Evening 2012	Jack Hunt School
Mayor and Mayoress	Excellence Awards	Chief Executive's Office
Mayor, Mayoress and Deputy Mayor	Reception for the visitors from the Moroccan Embassy, London	The Parlour
Mayor and Mayoress	Lunch at the Bull Hotel hosted by Moroccan Delegates	Bull Hotel
Mayor and Mayoress	Dick Whittington Pantomime and Gala Reception	The Cresset
Mayor and Mayoress	Christening	St Pauls C of E Church
Mayor and Mayoress	Service of Readings and Carols - Service at 4pm	The Cathedral
Mayor and Mayoress	Christmas Day Lunch at the Salvation Army	The Salvation Army
Mayor and Mayoress	Honeyhill Children's Centre Christmas pantomime	Honeyhill Children's Centre
Mayor and Mayoress	Mayor's Charity New Years Eve Ball	Park Inn Hotel
Mayor, Mayoress and Deputy Mayor	Charity Committee	The Parlour
Mayor and Mayoress	Football match - POSH v Norwich	The football ground, London Road

Attending	Event	Venue
Mayor and Mayoress	Citizenship Ceremony	Council Chamber
Mayor, Mayoress and Deputy Mayor	Holocaust Memorial Planning Meeting	Bourges Room
Mayor, Mayoress, Deputy Mayor and Deputy Mayoress	Mayor's Charity Night	PSL Club
Mayor and Mayoress	Eye Community post Christmas Lunch	Manor Farm Community Centre
Mayor and Mayoress	WOSP Peterborough	The Fleet
Mayor and Mayoress	Visit to the Mayor by Deployed Services family	The Parlour and Council Chamber
Mayor and Mayoress	Kings School pupils to meet the Mayor	The Parlour and Council Chamber
Mayor and Mayoress	Visit Longthorpe Primary School	Longthorpe Primary
Mayor and Mayoress	Peterborough Orton's Club Careers event	Nene Park Academy
Mayor and Mayoress	Charity Committee Meeting	Forli Room
Mayor and Mayoress	Mayor's Charity Coffee Morning	Reception Room
Deputy Mayor and Deputy Mayoress	The Life and Message of Prophet Muhammad	Faizan e Madinah Mosque
Deputy Mayor	Froglife Film Premiere	The Cresset Theatre
Mayor and Mayoress	Visit to Neighbourhoods Department with the Chief Executive	Neighbourhoods Department
Mayor and Mayoress	Signing of Armed Forces Community Covenant	Parlour and Reception Room
Mayor and Mayoress	The Licensing of The Revd Anne Shorter	St John's Church
Mayor, Mayoress and Deputy Mayor	Service run through and Holocaust Memorial Service	Reception Room and St John's Square.
Mayor and Mayoress	Visit from Year 6 children from St Thomas More School	The Parlour
Mayor and Mayoress	Visit to the Mayor of the City Market Traders	The Parlour
Mayor and Mayoress	Senior Citizens Association New Year Celebrations	Jack Hunt School
Mayor and Mayoress	Katharine of Aragon	Museum, Cathedral and Parlour
Mayor and Mayoress	Eastern Angles present 'Dial M for Murgatroyd'	The Studio, The Key Theatre
Mayor and Deputy Mayor	Full Council Preparation Meeting	The Parlour
Mayor and Deputy Mayor	Full Council Meeting	Council Chamber

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

None.

4. DIRECTOR RESPONSIBLE

Gillian Beasley.

COUNCIL	AGENDA ITEM No. 12
30 JANUARY 2013	PUBLIC REPORT

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

1. DECISIONS FROM CABINET MEETING ON 10 DECEMBER 2012

CONSULTATION ON PROPOSED CHANGES TO ELIGIBILITY CRITERIA AND CHARGING POLICY

Cabinet received a report seeking approval to commence consultation on a number of measures designed to increase the emphasis on promoting independence and prevention amongst people with developing social care needs and to revise the eligibility criteria for Adult Social Care from April 2013. The report also proposed some changes to the Adult Social Care charging policy, including a review of the Disability Related Expenditure Disregard in the financial assessment and the introduction of new charges for assistive technology and the appointeeship service.

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

1. Approve the commencement of consultation with social care service users, carers and partners on revising the Council's eligibility criteria for Council supported social care services.
2. Include within that consultation, proposals to enhance the range of preventative services available to people with care needs who fall below current or any revised eligibility criteria.
3. Approve consultation on a series of modifications to the Adult Social Care charging policy including a review of the treatment of Disability Related Expenditure in the financial assessment, the introduction of charges for the supply of assistive technology and the "Appointeeship Service" (as detailed in paragraph 4.15) and the removal of the subsidy to the home meals delivery service (as detailed in paragraph 4.16).
4. Note that phase three of the increases in charges agreed in 2010/11 is due to be implemented in April 2013 as set out in the attached schedule.

**PETERBOROUGH CITY CENTRE DEVELOPMENT PLAN DOCUMENT -
CONSULTATION DRAFT**

Cabinet received a report seeking its approval of the City Centre DPD Consultation Draft (hereafter referred to as the 'City Centre Plan') for public consultation starting early in the New Year.

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

Approve the publication of the City Centre Plan (Consultation Draft Version) for six weeks public consultation starting in early 2013.

FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT

Cabinet received a report requesting it adopted the Flood and Water SPD. The SPD would provide guidance to developers on flood and water management in Peterborough. It expanded on overarching headline policy contained in the Council's adopted Core Strategy and (assuming it was adopted on 5th December 2012) Planning Policies DPDs. The document had been subject to public consultation and had now been revised and updated accordingly ready for adoption.

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

Adopt the Flood and Water Management Supplementary Planning Document.

OUTCOME OF PETITIONS

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

Councillor Cereste introduced the report.

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

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

DECISIONS FROM CABINET MEETING ON 21 JANUARY 2013

COUNCIL TAX BASE AND BUSINESS RATES 2013/14

Cabinet received a report that formed part of the preparation for setting the council's budget. The report needed to be considered so that figures for the tax base, the Collection Fund and the amount of business rates to be collected could be used in setting the Council Tax and notified to other affected authorities.

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

1. Endorse the calculation of the Council Tax Base for 2013/14 at a level of 50,158 B and D equivalent properties;
2. Note the updated estimated Collection Fund deficit as at 31st March 2013 of £308,949 and
3. Approve the use of the provisional National Non Domestic Rates 1 as the basis of the final return for 2013/14 and delegate to the Executive Director Strategic Resources responsibility for approving and returning the final return to the Secretary of State by 31st January 2013.

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 previous report to Council urgency provisions have been invoked in respect of the following decision:

Council Tax Support Scheme

The Chairman of the Council's Sustainable Growth and Environment Capital Scrutiny Committee agreed to the Council's urgency procedures being invoked in respect of this decision which waived the call-in period:

This decision is urgent because the Council is required to approve its local council tax support scheme by the end of January. Any delay caused by the call-in process would significantly prejudice the Council's interest because failure to agree by the end of January would mean that the Council has to use the default scheme, which would see the Council facing additional costs of over £2m. If the recommendation was called in, this could hinder the Council's ability to have the scheme approved at Full Council by the end of January; Cabinet could not consider making the recommendation until the Government had provided notification of the level of grant to be provided for the scheme. This was only provided as part of the provisional local government finance settlement that was not received until 19th December 2012. The level of grant does differ from the original consultation and has changed the scheme being recommended compared to that which was consulted on.

4. CABINET MEMBER DECISIONS

CABINET MEMBER AND DATE OF DECISION	REFERENCE	DECISION TAKEN
Councillor Holdich and Councillor Seaton 10 December 2012	DEC12/CMDN/153	<p>Expansion and Refurbishment of Old Fletton Primary School</p> <p>The Cabinet Members in consultation with the Executive Director - Children's Services; Executive Director – Strategic Resources and Solicitor to the Council:</p> <ol style="list-style-type: none"> 1. Authorised the extension of Old Fletton Primary School to include the remodelling and refurbishment of 165 London Road, PE1 5LG up to the value of the budget sum of £750k and to include awarding the design and build contract to Carillion plc. This sum shall also include any off site highway works required in accordance with planning conditions and ICT hardware; and 2. Approved the variation to the design and build lump sum option contract with Carillion plc to include the remodelling and refurbishment works to 165 London Road, PE1 5LG and incorporate it within the Old Fletton Primary school site.
Councillor Holdich	DEC12/CMDN/154	Appointment of Authority Governor - The Duke of Bedford Primary School

<p>10 December 2012</p>		<p>The Cabinet Member appointed Mrs Megan Taylor as authority governor nominated by the Governing Body.</p>
<p>Councillor Holdich</p> <p>12 December 2012</p>	<p>DEC12/CMDN/155</p>	<p>Closure of Fulbridge School, Academy Transfer Agreement and Lease of Premises</p> <p>The Cabinet Member approved the closure of Fulbridge Primary School and the execution of a commercial transfer agreement and to grant a 125 year lease of the premises known as Fulbridge School at a peppercorn rent to The Fulbridge Academy from 1 January 2013.</p>
<p>Councillor Holdich</p> <p>18 December 2012</p>	<p>DEC12/CMDN/157</p>	<p>New Build of the Thomas Deacon Junior Academy</p> <p>The Cabinet Members in consultation with the Executive Director - Children's Services; Executive Director – Strategic Resources and Solicitor to the Council:</p> <ol style="list-style-type: none"> 1. Authorised the build of the Thomas Deacon Junior Academy up to the value of the budget sum of £8m, to include awarding the design and build contract to Carillion plc. This sum shall also include any off site highway works required in accordance with planning conditions and funding for Information and Communications Technology (ICT); 2. Approved the variation to the design and build lump sum option contract with Carillion plc to include the new build of the Thomas Deacon Junior Academy; and 3. Authorised entering any additional legal agreements between Peterborough City Council and the Thomas Deacon Academy which would include a deed of variation, licence to occupy and Memorandum of Understanding and any other associated legal documentation.
<p>Councillor Holdich</p> <p>18 December 2012</p>	<p>DEC12/CMDN/158</p>	<p>Expansion and Refurbishment of Queens Drive Infants School</p> <p>The Cabinet Members in consultation with the Executive Director - Children's Services; Executive Director – Strategic Resources and Solicitor to the Council:</p> <ol style="list-style-type: none"> 1. Authorised the extension and refurbishment of Queens Drive Infant School up to the value of the budget sum of £2m to include awarding the design and build contract to Carillion plc. This sum shall also include any off site highway works required in accordance with planning conditions, ICT hardware and the potential purchase of 6 Queens Drive West; 2. Approved the variation to the design and build lump sum option contract with Carillion plc to include the

		<p>extension and refurbishment of Queens Drive Infant School; and</p> <p>3. Authorised entering into legal agreements associated with the acquisition of 6 Queens Drive West.</p>
<p>Councillor Cereste</p> <p>18 December 2012</p>	DEC12/CMDN/159	<p>Public Health Transition</p> <p>The Leader of the Council authorised a contribution of up to £100,000, to be used alongside the Government grant of £74,445, to support the transition costs of transferring responsibility for Public Health from the Primary Care Trust (PCT) to Peterborough City Council with effect from 1st April 2013.</p>
<p>Councillor Holdich</p> <p>20 December 2012</p>	DEC12/CMDN/160	<p>Appointment of Authority Governor - Woodston Primary School</p> <p>The Cabinet Member appointed Mr Edward Woods as authority governor nominated by the Governing Body.</p>
<p>Councillor Holdich</p> <p>20 December 2012</p>	DEC12/CMDN/161	<p>Appointment of Authority Governor - St Thomas More Catholic School</p> <p>The Cabinet Member appointed Cllr Nabil Shabbir as authority governor nominated by the Governing Body.</p>
<p>Councillor Seaton</p> <p>7 January 2013</p>	JAN13/CMDN/001	<p>Discretionary Rate Relief From Business Rates on The Grounds of Hardship</p> <p>The Cabinet Member considered applications for hardship relief from the companies named in the exempt annex and accepted the recommendation that the applications were refused.</p>
<p>Councillor Holdich</p> <p>9 January 2013</p>	JAN13/CMDN/002	<p>Appointment of Authority Governor - Nene Valley Primary School</p> <p>The Cabinet member appointed Ms Becky Marrs as authority governor nominated by the local authority.</p>
<p>Councillor Holdich</p> <p>9 January 2013</p>	JAN13/CMDN/003	<p>Appointment of Authority Governor - The Phoenix School</p> <p>The Cabinet Member appointed Ms Nora Fitzsimons as authority governor nominated by the governing body.</p>
<p>Councillor Seaton</p> <p>12 January 2013</p>	JAN13/CMDN/004	<p>Delivery of the Council's Capital Receipts Programme through the sale of a surplus office building at 25 Commerce Road, Lynch Wood, Peterborough</p> <p>The Cabinet Member for Resources in consultation with the Executive Director of Strategic Resources and the Leader of the Council authorised the sale of a surplus office building known as 25 Commerce Road, Equinox</p>

		Business Park, Lynch Wood, Peterborough.
Councillor Fitzgerald 16 January 2013	JAN13/CMDN/005	Extension of Homecare Contracts The Cabinet Member approved that the contracts with those providers listed in Annex 1 to the decision were extended for a period of nine months from 1 st January 2013 to 30 th September 2013.

COUNCIL	AGENDA ITEM No. 13
30 JANUARY 2013	PUBLIC REPORT

EXECUTIVE REPORT – RECOMMENDATIONS

(a) COUNCIL TAX SUPPORT SCHEME

Cabinet at its meeting of 21 January 2013 received a report following the consultation on proposals made by Cabinet on 24th September 2012, including discussion at the Sustainable Growth and Environment Capital Scrutiny Committee on 8th November 2012, for a Local Council Tax Support Scheme for Peterborough.

IT IS RECOMMENDED that Council adopts the Local Council Tax Support scheme for Peterborough, including the proposed 30% reduction in benefit for working age claimants and the draft scheme documentation.

This page is intentionally left blank

CABINET	AGENDA ITEM No. 5
21 January 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr David Seaton, Cabinet Member for Resources	
Contact Officer(s):	John Harrison, Executive Director Strategic Resources	Tel. 452398

LOCAL COUNCIL TAX SUPPORT SCHEME

R E C O M M E N D A T I O N S	
FROM : Executive Director Strategic Resources	Deadline date : 21 January 2013
That Cabinet recommends to Full Council on 30 th January 2013 the adoption of the Local Council Tax Support scheme for Peterborough, including the proposed 30% reduction in benefit for working age claimants and the draft scheme documentation.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the consultation on proposals made by Cabinet on 24th September 2012, including discussion at the Sustainable Growth and Environment Capital Scrutiny Committee on 8th November 2012.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to make a recommendation to Full Council on the Council Tax Support Scheme to be implemented in Peterborough.
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1 which states to take collective responsibility for the delivery of all strategic executive functions within the council's major policy and budget framework and lead the council's overall improvement programme to deliver excellent services.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	Yes	If Yes, date for relevant Cabinet Meeting	21 st January 2013
Deadline for relevant Council Meeting	30 th January 2013	Date when these changes will apply from	1 April 2013

SUSPENSION OF CALL-IN

Subject to the recommendations being approved at this Cabinet meeting, it will be necessary to waive the call-in procedure and for the recommendations to proceed to Full Council on 30th January for decision.

This decision is urgent because the Council is required to approve its local council tax support scheme by the end of January. Any delay caused by the call-in process

would significantly prejudice the Council's interest because failure to do agree by the end of January would mean that the Council has to use the default scheme, which would see the Council facing additional costs of over £2m. If the recommendation is called in, this could hinder the Council's ability to have the scheme approved at Full Council by the end of January.

Cabinet could not consider making the recommendation until the Government had provided notification of the level of grant to be provided for the scheme. This was only provided as part of the provisional local government finance settlement that was not received until 19th December 2012. The level of grant does differ from the original consultation and has changed the scheme being recommended compared to that which was consulted on.

The Council's Monitoring Officer is aware of the intention to waive the call-in period, and the Chairman of Sustainable Growth and Environment Capital Scrutiny Committee has agreed to waive the call-in period.

4. BACKGROUND TO COUNCIL TAX SUPPORT

Executive Summary:

- 4.1 In its 2010 Spending Review the Government announced that it would localise support for Council Tax from April 2013, and at the same time reduce expenditure by 10%. This means that there will no longer be a nationally governed Council Tax Benefit (CTB) scheme and each Council will set their own schemes. However, Pensioners will be protected under these new arrangements and CTB for this group will continue to be subject to national controls, meaning pensioners will not have their CTB reduced by these legislative changes.
- 4.2 The Council's Medium Term Financial Strategy (MTFS) approved by Council in February 2012 was based on a local scheme being adopted and resulting in no additional pressure on the council's budget.
- 4.3 It was originally estimated that the gap between the grant provided to the Council, and the likely grant received by the Council would be £2.8m, requiring a 35% reduction in benefit. It was on this basis that the original consultation was undertaken. As outlined above, the provisional local government finance settlement was received on 19th December 2012. This has outlined a slightly higher level of grant for the Council. This has reducing the gap to £2.4m, and would require a benefit reduction of 30%. All figures quoted in this report are based on these updated figures.
- 4.4 Cabinet has devised and consulted on a local CTB scheme and this requires Full Council approval before 31 January 2013, otherwise the default scheme will be implemented, leading to the Council having to meet the full costs of the reduced grant and facing a financial cost of £2.4m.
- 4.5 It is clear that the biggest difference that the Council can make to help people on benefit is to help them into work and off benefit. One of the key priorities of this Cabinet is to deliver growth to our city, increasing opportunity and employment prospects for all. It is essential that we continue this drive, and in turn enable as many as people as possible to have the chance to come off benefit.
- 4.6 This report contains the following sections:

- Background and financial impact (section 4)
- Consultation approach and feedback (section 5)
- Outline of Government transition proposals (section 6)
- Summary of recommended scheme (section 7)
- Impact of the scheme and mitigating action (section 8)
- Implementation and communications plan (section 9)

Background

- 4.7 Council Tax Benefit (CTB) is the means tested way of reducing the Council Tax Bill for those on low incomes. Effectively the household pays less council tax (sometimes none) and the Government pays grant to the council to cover it.
- 4.8 CTB expenditure has increased nationally from £2bn in 1997/98 to £4.3bn in 2010/11. The Government announced in the Spending Review 2010 that it would localise support for council tax making Councils responsible for local schemes and reducing the grant by 10%, saving £410m nationally in England.
- 4.9 Councils would be responsible for determining, through their local scheme, how these savings are made. If councils do not make savings through the scheme, they will need to meet the cost of this elsewhere in their budgets.
- 4.10 Council Tax Benefit (CTB) becomes Council Tax Support (CTS) from April 2013.
- 4.11 Draft regulations have now been laid before Parliament and schemes must fully protect pensioners and so the impact is met by 'working age' claimants. The documents in the appendix are based upon the draft regulations. It is not expected that the final regulations will have any changes, but if necessary updated documents may need to be provided to Council.

Financial Impact for Peterborough:

- 4.12 In Peterborough there are almost 18,000 Council Tax Benefit claimants (24% of households) which cost around £12m in 2010/11.
- 4.13 The Medium Term Financial Strategy (MTFS) approved by Council in February 2012 was based on a local scheme being adopted and therefore no additional pressure being placed on the council's budget i.e. any reduction in grant would be fully met through changes in the benefit scheme, rather than cuts being made in services elsewhere across the Council.
- 4.14 It was originally expected that the 10% reduction in grant would mean a funding gap of around £1.2m (10% of the £12m bill). However, recent Government consultation documents on the proposals have outlined that the 10% reduction is based on the 2013/14 forecast position which includes a reduction in the number of benefit claimants.
- 4.15 The Government claims that the reduction in funding should be around 10% of the benefit bill. However this assumes that the number of people claiming this benefit, and hence the cost of it, reduces by next year. Many parts of the country, including Peterborough, are seeing costs of benefit increasing. The Council estimate that the grant reduction will see a shortfall of nearer 20%. The gap between grant and the benefit bill for 2013/14 is estimated to be £2.4m.

- 4.16 Failure to devise and implement a local scheme by 31 January 2013 would result in the Department for Communities and Local Government (DCLG) 'default scheme' being used by the Council. This scheme mirrors the current CTB scheme. If this were to happen Council would need to find the £2.4m of savings from elsewhere in the Council budget (some of this sum would relate to Police and Fire share of council tax).
- 4.17 In Peterborough 40% of claimants and 38% of the CTB bill relates to pensioners. As Government legislation protects this group, the 20% loss in CTB funding has to be met by the remaining 60% of claimants. In order to achieve the strategy approved in the MTFs (as outlined in 4.7 above), this would require a reduction in benefit of 30%.
- 4.18 Cabinet approved this approach as the basis for consultation at their meeting of 24 September 2012 (with the consultation undertaken on the original estimate of 35%). The consultation also included options to fully protect groups, such as the disabled. Such protection would mean higher reductions for working age claimants to keep the scheme self-funding in line with the MTFs strategy.

5. CONSULTATION APPROACH AND FEEDBACK

- 5.1 Following approval, an intensive period of public and stakeholder consultations ran for six weeks from 25 September to 5 November 2012.
- 5.2 The homepage of the Council's website included a link to the new council tax support page which included details of the scheme, a frequently asked questions sheet and the questionnaire.
- 5.3 The following groups identified through the Equalities Impact Assessment have been engaged with directly and resulted in including drop-in sessions so the changes could be explained in person:
- The general public, through drop-in sessions so the changes can be explained in person
 - CAB Peterborough
 - Registered Social Landlords & Private Landlords who attend our forums
 - DIAL (services to people with disabilities)
 - AGE UK
 - Tackling Poverty group
 - Welfare Reform Action Group
 - Children & Families Commissioning Partnership
 - Tackling Worklessness in Peterborough
 - PCVS – Peterborough Council for Voluntary Service
- 5.4 Consultation also took place with the Community Cohesion Manager, although the Equalities Impact Assessment did not identify that black or minority ethnic groups would be adversely affected by these changes.
- 5.5 The project team also engaged with Job Centre Plus where their relationship manager has informed front line staff of the proposed changes and consultation.
- 5.6 Drop-in sessions were held at each of the 10 libraries where residents could ask

questions and were encouraged to complete the survey. Details of these are outlined below:

- Central Library – Monday 1 October (12:00 to 14:00)
- Hampton Library – Tuesday 2 October (09:30 to 11:30)
- Stanground Library – Tuesday 2 October (12:00 to 14:00)
- Werrington Library – Monday 8 October (11:00 to 13:00)
- Bretton Library – Monday 8 October (14:00 to 16:00)
- Dogsthorpe Library – Tuesday 9 October (10:00 to 12:00)
- Eye Library – Wednesday 17 October (13:00 to 15:00)
- Thorney Library – Wednesday 17 October (16:00 to 18:00)
- Woodston Library – Thursday 18 October (09:30 to 11:30)
- Orton Library – Thursday 18 October (12:00 to 14:00)

5.7 Benefit notification letters were also amended during the period of consultation to include an additional sheet advising customers of the changes and how they can have their say. Using this approach **6,145** separate notifications have been issued to benefit customers alerting them to the changes and giving them the opportunity to comment.

5.8 Discussions also took place with Finance officers from the Police and Fire Authority who would be affected by the proposals (as the City Council collects council tax on their behalf).

5.9 The proposals were discussed by Sustainable Growth and Environment Capital Scrutiny Committee on 8th November 2012. An extract from the draft minutes is attached as appendix 1.

5.10 **Survey Results:**

Residents have been encouraged to 'have their say' by completing an on-line survey, copies of which were made available in hard format from The Town Hall, Bayard Place and the Libraries.

There were a total of **93 responses**; 46 online and 47 hard copies of the survey were completed with a breakdown of the results shown below (with detailed comments included in appendix 2):

1. Do you think that Peterborough City Council should continue to help people on low income by reducing their council tax bill?

Yes – 81.5% (75)

No – 18.5% (17)

(1 did not answer)

2. Do you think that the fairest way to achieve the savings required is an across the board 35% reduction in the new council tax support scheme?

Yes – 38.5% (35)

No – 61.5% (56)

(2 did not answer)

3. Do you think certain classes of persons should be protected from the reduction outlined and should include claimants where:

Yes, Severe Disability premium – 23.3% (50)

Yes, Enhanced Disability premium – 19.1% (41)

Yes, Disabled Child premium – 21.4% (46)

Yes, Disability premium – 21.4% (46)
No – 14.9% (32)
(6 did not answer)

4. Do you think that the maximum amount of council tax support should be limited to £23.15 per week (Band C):

Yes – 46.7% (42)
No – 53.3% (48)
(3 did not answer)

5. Do you think that the minimum amount of council tax support should be limited to £2.00 per week:

Yes – 48.9% (43)
No – 51.1% (45)
(5 did not answer)

6. Do you think that the capital limit for claiming council tax support should be reduced from £16,000 to £6,000:

Yes – 65.9% (60)
No – 34.1% (31)
(2 did not answer)

7. Do you think second adult rebate should still be part of council tax support:

Yes – 41.6% (32)
No – 58.4% (45)
(16 did not answer)

8. Do you have any comments about the new council tax support scheme:

Yes – 46.3% (38)
No – 53.7% (44)
(11 did not answer)

9. Are you are any partner a pensioner:

Yes – 17.6% (16)
No – 76.9% (70)
N/a – 5.5% (5)
(2 did not answer)

10. Do you currently claim council tax benefit:

Yes – 35.6% (32)
No – 58.9% (53)
N/a – 5.6% (5)
(3 did not answer)

- 5.11 The only conclusive (70%+) response was to question 1; 81.5% think that Peterborough City Council should continue to support people on low income by reducing their council tax bill. The responses to the other questions are inconclusive and there is no clear indication of any preference either way.
- 5.12 Given that any alternative approach would need to be funded from making reductions in services elsewhere, it was important that the consultation was open to all residents in Peterborough, not just those in receipt of benefit. This does seem to have helped

contribute towards the even split of responses, with those in receipt of benefit opposing the changes, but those who pay full council tax being in favour.

6. ADDITIONAL TRANSITIONAL GRANT FUNDING ANNOUNCED IN OCTOBER

- 6.1 On 18th October 2012 the Government announced that there will be a transitional grant scheme with an additional £100m of funding made available to Councils. The criteria for applying for this additional funding is:
- (i) The overall reduction for those claimants currently receiving 100% council tax benefit must not exceed 8.5% of their net council tax liability
 - (ii) The benefit taper used for calculating entitlement must not exceed 25%
 - (iii) There is no sharp reduction in support for those entering work
- 6.2 To limit the reduction for these claimants to 8.5% would cost £1.7m. Peterborough's allocation of the transitional grant scheme is just £247,083, leaving a shortfall in funding of over £1.4m. It is clear that the grant does not meet the costs of lowering the reduction from 30% to 8.5%
- 6.3 This additional funding has only been made available for year 1 which means there would be £1.4m to find in 2013/14 and £1.7m per year after that on an ongoing basis.

7. PROPOSED NEW SCHEME

- 7.1 The Medium Term Financial Strategy (MTFS) approved by Council in February was based on a local scheme being adopted and therefore no additional pressure on the council's budget i.e. any reduction in grant would be fully met through changes in the benefit scheme, rather than cuts being made in services elsewhere across the Council. Given the unacceptable impact that such cuts could have, it is considered that this approach should hold.
- 7.2 It is clear that the transitional grant does not cover the costs of limiting the benefit reduction to 8.5% and is only provided for one year anyway. The Council would face significant costs if following this approach and as such, in line with the approach in 7.1 above, will not do so.
- 7.3 Some Councils are using income from technical council tax reforms (reducing discounts in some areas) to support their council tax schemes. In the same MTFS, Council approved using this income to help support the overall council budget. Those councils who are using this income to support their local council tax support scheme will not have it to support their overall budget and so will have to cover that gap by reducing services (something this Council is keen to avoid as outlined above).
- 7.4 The original consultation proposals included an option to protect recipients of disability premiums, in the same manner as pensioners, so that these households had no reduction in benefit. Such protection would mean higher reductions for working age claimants to keep the scheme self-funding in line with the MTFS strategy. Rather than the 30% reduction proposed, the reduction in benefit for working age claimants would be 7.5% higher at 37.5%. If the protection were not covered by working age claimants, it would cost the Council around £0.5m to protect all.
- 7.5 The number of households receive disability premiums as part of their council tax benefit is outlined below. Also included is the cost of protecting recipient each

individual premium (rather than the total cost of protecting all of them as outlined in 7.4 above). It should be noted that households can claim more than one of these benefits, so the numbers do not necessarily relate to individual households (i.e. there are not 2,978 households in receipt of these premiums as one household could be in receipt of disability premium and Enhanced Disability premium). This also means that the total cost of protecting all four premiums of £0.5m is less than the sum of each individual element:

- 1,542 claim the Disability premium (cost of £358k, or 35% reduction in benefit to protect)
- 355 claim the Disabled Child premium (cost of £88k, or 31% reduction in benefit to protect)
- 570 claim the Enhanced Disability premium (cost of £141k, or 32% reduction in benefit to protect)
- 511 claim the Severe Disability premium (cost of £109k, or 31.5% reduction in benefit to protect)

7.6 Given the additional impact on working age claimants, or the costs to the Council if funded directly, it is not proposed that the protection is included. It should be noted that when the means testing is undertaken to assess whether the claimant is eligible for benefit the applicable amount is increased by the amount of any disability premium that the disability benefit attracts. As such the system does already have an element of protection built in for such claimants. The impact on such claimants will be the same as for other households in receipt of benefit, as outlined in the examples in paragraph 8.1 below. It should be stressed that this only impacts on council tax benefit, it has no impact on any other benefits received.

7.7 The Council has lobbied Government regarding the approach to funding the scheme and in particular the assumption that the costs of benefit are reducing. The Government has used more up to date forecasts and as such there has been a small improvement in the level of grant allocated to the Council. Whilst this grant could be used to support overall services, it is proposed to use it for the Council tax support scheme. As a result the proposed reduction in benefit can be lowered from 35% to 30%.

7.8 It is clear that the biggest difference that the Council can make to help people on benefit is to help them into work and off benefit. One of the key priorities of this Cabinet is to deliver growth to our city, increasing opportunity and employment prospects for all. It is essential that we continue this drive, and in turn enable as many as people as possible to have the chance to come off benefit. On balance it is considered that it is better to utilise resources to drive forward this growth agenda, rather than use it to top up benefit levels.

7.9 A summary of the scheme documentation is included in appendix 2, with the detailed scheme documentation in appendix 3.

7.10 Councils have always had discretion to disregard certain income relating to armed forces and war pensions when undertaking the means testing for council tax benefit. Peterborough City Council has exercised this discretion. The documentation for the new scheme will need to reflect this to ensure that this practice continues.

8. IMPACT OF THE NEW SCHEME & MITIGATING ACTIONS

Impact of the new scheme

8.1 Analysis of our existing council tax benefit records shows that under the new council tax support scheme there will be the following impact:

- 8,437 households who previously received 100% council tax benefit will now have something to pay
- 2,458 households will be paying more council tax than before

Examples of how this would impact are outlined below:

- Currently Band A council tax in the city (including Police and Fire) is £908. A household in receipt of 100% benefit would currently pay no council tax. In future they would pay 30%, or £272 per year (£5.24 per week). They would still receive £636 in council tax benefit
- Currently Band B council tax in the city (including Police and Fire) is £1,059. A household in receipt of 50% benefit would currently pay council tax of £530, and receive benefit of £530. In future they would pay an extra £159 per year (£3.05 per week), taking their total payment to £689 per year. They would still receive £371 in council tax benefit
- The average amount paid in benefit is currently £730 per year. This would reduce by £219 to £511 per year. As such the average household in receipt of benefit would pay £4.21 per week extra
- Pensioner households are protected and hence unaffected by the proposals

Mitigating Actions

8.2 Although Pensioners will not be affected, the Council recognises the significant impact the changes will have on working age claimants of CTB in Peterborough.

8.3 The Council currently works in a number of locations to support people in Peterborough, covering two main areas:

- Helping people get back into work and off benefit
- Helping alleviate the impacts of poverty on individuals and households

The majority of these activities are led by the Neighbourhoods teams within Operations.

8.4 The following list details some of these groups and activities:

Tackling Worklessness in Peterborough group (TWIP) - this group pulls together a wide range of partners, including DWP, to address worklessness and benefits dependency.

Financial and debt advice – the Council continues to provide funding to a number of voluntary sector, accredited information and advice agencies who focus on debt and financial advice to people who are in need. The main provider for this service is Citizens Advice Peterborough, but DIAL (for services to people with disabilities) and

Age UK are also funded to provide similar services. The Council's proposal is to focus all of our investment in the voluntary sector from 2013/14 into organisations that can directly support individuals and families affected by the welfare reform.

Tackling Homelessness – the Council's entire Strategic Housing team is structured around preventing homelessness. In the main, the work of the team supports people who are already housed but who, for one reason or another, are finding it difficult or are unable to maintain that position. For example, the Supporting People programme provides housing related support for people with mental health issues, elderly or disabled people, young people leaving care and many more with the aim of ensuring they can remain living independently. The Care and Repair Service provides direct support to adapt properties to ensure vulnerable people can remain living at home. Our Housing Needs service manages the housing register on behalf of the city's social landlords, and allocates housing to those who need it most. In all cases, the client groups of people who are being supported by the Housing teams will be affected most by some of the reforms, and our preventative and proactive model of service delivery will mitigate against further decline.

Fuel Poverty – part of the Strategic Housing team's focus is to tackle fuel poverty. It is a basic human right to have access to warm affordable and secure housing yet some people aren't able to keep their homes warm leading to illness and other problems. Every increase in energy costs pushes more people into fuel poverty, and our team manages a range of initiatives, with partners, to address this problem locally (including home energy grants, insulation schemes, home adaptations, external cladding programmes etc).

The Council is also leading a pioneering energy switching scheme, that looks to make households savings on their energy bills. This scheme is open to all Peterborough residents, including those in receipt of benefit at the link below:

http://readytoswitch.ichoosr.com/Product/index.rails?actionId=252&utm_medium=web&channel=Peterborough

Tackling Poverty – Neighbourhoods and Children's Services jointly lead on the council's new Tackling Poverty strategy and action plan. This is aimed at identifying those who are in poverty or are at risk of being pushed into poverty, and implementing a range of different, practical short and long term measures to support them. Seven distinct but linked strands form the action plan, ranging from short term solutions such as Food Banks and Credit Unions through to longer term goals such as apprenticeships and digital inclusion.

Cohesion – risks associated with reform include the rising tension amongst communities and the potential increase in social issues such as shoplifting. The Council has developed a comprehensive community cohesion action plan that supports groups of people who might be vulnerable to reform, such as young NEET (not in education, employment or training) people. This approach builds on the 'After the Riots' report from the unrest experienced elsewhere in the country last year.

Welfare Reform Action Group – this new cross-departmental and multi-agency action group has been formed to identify and lead on addressing the impacts of reform. The group is currently sharing data across agencies to fully understand who might be affected so that proactive contact can be made and appropriate, rapid solutions implemented.

Children and Families Commissioning Partnership – this new collaborative commissioning Board brings together all of the officers and agencies who support vulnerable children and families, with the aim of making joined up and evidence based commissioning decisions with the end user as the core focus.

Mortgage Scheme - this scheme is designed to help first time buyers who have often stated that raising enough money for a deposit is the biggest challenge they face when looking to take their first steps onto the property ladder. Lloyds TSB and the Council joined forces to help first-time buyers purchase a home with a deposit of just five per cent. First time buyers will put down five per cent of the property price, and the Council will provide a cash backed indemnity of up to 20 per cent as additional security. The local authority then earns interest on this amount. The first time buyer owns the property in its entirety and will have access to a range of products at a lower rate of interest than would normally be available for this level of deposit.

9. IMPLEMENTATION AND COMMUNICATIONS PLAN

9.1 Subject to approval by Cabinet, it is anticipated that the new scheme will receive approval at Full Council on Wednesday 30th January. Whilst the scheme will not take effect until 1st April 2013, it is essential that the period prior to this is used to raise awareness of the new scheme, and what support is available to households. Upon approval of the new Council Tax Support Scheme the following actions will be taken:

9.2 A press release and other communications will be issued announcing the new scheme.

9.3 A number of drop-in sessions will be arranged with our stakeholder partners to offer this help and advice. The Stakeholders invited to be involved will include:

- CAB Peterborough
- Registered Social Landlords & Private Landlords who attend our forums
- DIAL (services to people with disabilities)
- AGE UK
- Tackling Poverty group
- Welfare Reform Action Group
- Children & Families Commissioning Partnership
- Tackling Worklessness in Peterborough
- PCVS – Peterborough Council for Voluntary Service

9.4 Each of the estimated 11,000 working age council tax benefit claimants directly affected by this new scheme will be written to advising them of this change and where help and advice can be found.

9.5 Liaison will be undertaken to ensure that the 2013/14 council tax bills are issued with this updated information and that the customer services and back office staff have received sufficient training on this change.

10. REASONS FOR RECOMMENDATIONS

10.1 The regulations require Full Council to approve the new Council Tax Support scheme. Any alternative to the proposed reduction in benefit would leave the Council facing significant additional costs.

11. IMPLICATIONS

11.1 Elected Members

Further to this Cabinet meeting this proposal will be presented to Full Council on 30 January 2013 and all Elected Members will be asked to approve the scheme.

Members must have regard to the advice of the Section 151 Officer. The Council may take decisions which are at variance with this advice, providing there are reasonable grounds to do so.

11.2 Financial

11.2.1 The likely cost of the scheme has been forecast, and the scheme proposed covers that forecast cost. However it should be noted that the actual costs of council tax benefit could differ from this forecast due to the following factors:

- Extra claimants coming through (increased cost)
- Working age claimants in receipt of benefit move into the pensioner bracket and hence become protected (increased cost)
- Claimants coming off benefit (reduced cost)
- Levels of collection of council tax (increased cost if collection lower)
- Level of council tax

11.2.2 No account of increased demand for support is taken into account when allocating the grant. Also the Council cannot amend the scheme in year due to changes in the cost of benefit. As such the Council (and Police and Fire Authorities) would bear any extra cost. Conversely, if the costs of benefit can be reduced (for example through getting more people into work) then this would provide a financial benefit to the Council (and Police and Fire Authorities). A modest level of protection is assumed in the cost estimate against the factors.

11.2.3 The estimate is based on no increase in council tax. If the position agreed by Council as part of the budget setting differs from this, it will be necessary to include the cost impact in the budget agreed at that time.

11.2.4 The Council will need to revisit the scheme each year, including reviewing the overall costs of benefit.

The Council will also receive funding for the increased administration cost of the new council tax support scheme, although it is not yet clear whether this will be sufficient to cover all costs of administering the new scheme.

11.3 Legal Implications

The introduction of the localised Council Tax Support Scheme is as a result of the Local Government Finance Bill 2012, and a local scheme must be implemented by 31 January 2013.

11.4 **Human Resource Implications**

It is anticipated that the introduction of Council Tax Support will lead to an increase in the number of customers who contact the council. These contacts will be managed by Serco who have been involved in the discussions thus far.

Shared Transactional Services staff at Manor Drive and Customer Services staff at Bayard Place will require training ahead of the 1 April 2013 implementation of the new scheme as outlined in section 8 of this report.

11.5 **Risk Management**

The change from Council Tax Benefit to Council Tax Support presents a risk for the council and the precepting bodies (Fire & Police), as in future they will have to meet the financial impact of any increased demand and lower council tax collection rate.

The council and its precepting partners will need to closely monitor local social and economic changes, and factor the impact into the financial planning. This may include a need to revisit the scheme after year one.

11.6 **Equality and Diversity**

The impact of the new scheme needs careful consideration throughout the consultation and implementation stages. A thorough consultation and engagement process was designed to support this.

An initial and full Equalities Impact Assessment (EIA) together with an action plan has been developed, updated and published on the website as with all other EIA's.

12. **BACKGROUND DOCUMENTS**

12.1 **Link to supporting information:**

DCLG – Localising Council Tax Support:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/localising-council-tax-support>

APPENDICES

- Appendix 1 Extract from draft unapproved minutes of a meeting of the Sustainable Growth And Environment Capital Scrutiny Committee held at the Forli Room - Town Hall on 8 November 2012
- Appendix 2 Comments made in consultation responses
- Appendix 3 Summary of Council Tax Support Scheme
- Appendix 4 Detailed Council Tax Support Scheme

This page is intentionally left blank

COUNCIL	AGENDA ITEM No. 14
30 JANUARY 2013	PUBLIC REPORT

NOTICES OF MOTION

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

1. Motion from Councillor Ed Murphy:

That this council:

1. Notes the increasing proportion of private rented accommodation in Peterborough and the effects this is having on social cohesion and the detrimental effect on quality of life in neighbourhoods;
2. Notes that the council is introducing an area based registration scheme and is developing policies and practices to improve our neighbourhoods and communities such as bringing empty properties back into use. In other parts of the UK and in English council areas registration schemes have been introduced with an appropriate registration fee levied;
3. Believes that whilst many landlords provide a decent level of service there are significant management, environmental and public health issues associated with some dwellings and a licensing scheme will help mitigate these problems, ensure rent allowances are paid for appropriate dwellings and reduce the levels of illegal eviction and harassment. It is expected that the management of occupants and the housing standard quality will also improve; and
4. Agrees to explore introducing an authority- wide Licensing Scheme for landlords with discounts considered for early registration.

2. Motion from Councillor Nick Thulbourn:

That this council

1. Investigates the possibility of implementing a pay policy consistent with The Living Wage across the entire organisation, leading real change across Peterborough reducing the high levels of poverty of those in work;
2. Further investigates the impact on existing partners and new contracts in the ability of these organisations to implement a living wage policy when dealing with Peterborough City Council; and
3. Agrees that the results of the above investigations be referred to the relevant scrutiny committee for consideration and further recommendation accordingly.

This page is intentionally left blank

COUNCIL	AGENDA ITEM No. 15(a)
30 JANUARY 2013	PUBLIC REPORT

Contact Officer:	Helen Edwards, Solicitor to the Council	Tel. 452539
------------------	---	-------------

**REVIEW OF PETERBOROUGH CITY COUNCIL'S MEMBERS' ALLOWANCES SCHEME –
REPORT OF THE INDEPENDENT MEMBERS' ALLOWANCES PANEL**

R E C O M M E N D A T I O N S	
FROM : Independent Members' Allowances Panel	Deadline date : N/A
<p>Council is requested to:</p> <ol style="list-style-type: none"> 1. Note the recommendations of the Independent Members' Allowances Panel as summarised in paragraph 3 below; and 2. Determine the action it wishes to take in response to the recommendations contained within the report. 	

1. ORIGIN OF REPORT

- 1.1 The Council has a statutory requirement to establish and maintain an Independent Members' Allowances Panel, which will broadly have the functions of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
- 1.2 The Panel met on two occasions during 2012 in order to review the current Members' Allowances scheme. Their report, which is attached at Appendix A, sets out their findings and recommendations.
- 1.3 All Members of the Council were invited to make representations to the Panel either in writing or in person.

2. PURPOSE AND REASON FOR REPORT

- 2.1 To consider the recommendations of the Independent Members' Allowances Panel following its review of the Council's current Members' Allowances scheme.
- 2.2 The Council must 'have regard' to the Panel's recommendations but may then determine what action it wishes to take

3. RECOMMENDATIONS ARISING FROM THE REVIEW

3.1 The Panel recommends:

3.2 Basic Allowance

- That the current Basic Allowance, payable to all Members, should be increased from £7165.95 to £9300.00 per annum.
- That no changes be made to the telephone allowance or travel and subsistence elements of the scheme.

3.3 Special Responsibility Allowance (SRA)

- That Members continue to be restricted to one SRA.
- That the Leader's SRA remains at the current multiple of the Basic Allowance.
- That the Deputy Leader's SRA should be paid at the rate of 66.67% of the Leader's SRA to recognise the role of Deputy in addition to the post holder's Cabinet responsibility.
- That Cabinet members receive an SRA which is 50% of that paid to the Leader of the Council.
- That Cabinet Advisors receive an SRA which is 25% of the Leader's SRA.
- That the Chairmen of Regulatory Committees (Planning, Licensing and Audit) receive an SRA which is 25% of the Leader's SRA.
- That the Chairman of the Employment Committee receives an SRA which is 6.25% of the Leader's SRA.
- That the SRAs payable to Chairmen of Scrutiny Commissions and Committees be paid at 25% of the Leader's allowance.
- That the SRAs paid to Chairmen of Neighbourhood Committees be discontinued.

3.4 Police and Crime Panel

- That no SRA payment be recommended in respect of Members who sit on this newly formed Panel.

4. CONSULTATION

4.1 All Members were invited to make written representation to the Panel and offered the opportunity to address the Panel in person. The Panel has considered all submissions in detail.

5. IMPLICATIONS

5.1 **Legal** - The legal implications are referred to within the report.

5.2 **Finance** – The Panel's proposals, if accepted, would result in an additional cost of £104,010 to the Council. The effect of these recommendations are set out in Appendix B. The budget for 2013/14 has not yet been determined.

6. BACKGROUND DOCUMENTS

None.

**PETERBOROUGH CITY COUNCIL (the
“Council”)**

REVIEW OF MEMBERS’ ALLOWANCES

**REPORT OF THE INDEPENDENT
REMUNERATION
PANEL 2012**

Reference to sources of information:

Reference	Content
IRP1	The Council's Members Allowance Scheme as set out in its Constitution (October 2012) – extract of Basic and Special Responsibility Allowances
IRP2	The Local Authorities (Member Allowances) (England) Regulations 2003- Extract showing Regulations 4 and 5
IRP3	Report of the previous Members' Allowances Panel dated 31 st October 2011-Schedule of Recommendations
IRP4	Summary of issues raised by Members in their evidence
IRP5	A document setting out the delegation and portfolios of individual Cabinet Members
IRP6	A matrix showing the allowances payable in a number of other Councils including those in Peterborough's CIPFA comparator group as well as ones selected by the Panel
IRP7	This report considers the issues which were referred to the Panel by the Council and matters raised by those who gave evidence to it. It also sets out a number of matters which it considers warrants more detailed consideration before the next review of the Allowances Scheme (attached at end of Report).

(1) Introduction: The context of the Review

- 1.1 The newly constituted panel comprised Richard Dix, Consultant solicitor and former local authority Chief Executive; Jim Winstone, retired secondary school Headmaster with local Government experience and Tony King retired Insurance and Finance Manager. Tony is also on the Council Core Group, organising the Great Eastern Run, but was unfortunately unable to join in the face to face meetings of the Panel, but was fully briefed on those meetings and having discussed the issues raised was in complete agreement with the recommendations made in this Report. All were present at the follow up meeting on 10th December 2012.
- 1.2 The panel was asked by the Council to carry out a review of the Member Allowances Scheme and consider the principle of allowances for members on the new Police Scrutiny Committee.
- 1.3 The Panel met for 2 consecutive days at the end of November charged with producing a report to go to Council on 30th January 2013. Working to a very compressed timescale meant that on a number of issues an interim position has been taken, mindful that the Panel's intention was to start work much earlier than had been possible this year, to enable the required research to be undertaken and evidence collected.
- 1.4 Methodology-evidence considered: The Panel received and considered the following information as background for its consideration of the Allowances Scheme
- a) Presentation on the background to the review from Gillian Beasley, Council Chief Executive, and advice and excellent support research from Diane Baker (Head of Governance). The Panel also received the comments of Adrian Chapman (Head of Neighbourhoods) whose input was most helpful
 - b) The Panel met all the Group Leaders and three other Councillors, all members having been given the opportunity to make representations. No representations were received in writing. The Panel wished to thank all the members they met for the helpful manner in which their issues were presented.
 - c) The following Documents were considered.
 - 1. The Council's Members Allowance Scheme as set out in its Constitution (October 2012) –extract of Basic and Special Responsibility Allowances attached Doc. IRP1.

2. The Local Authorities (Member Allowances) (England) Regulations 2003- Extract showing Regulations 4 and 5 attached Doc. IRP2.
3. Report of the previous Members' Allowances Panel dated 31st October 2011-Schedule of Recommendations attached as Doc. IPR3.
4. Summary of issues raised by Members in their evidence-attached as Doc. IPR4.
5. A document setting out the delegation and portfolios of individual Cabinet Members attached as Doc. IRP5.
6. A matrix showing the allowances payable in a number of other Councils including those in Peterborough's CIPFA comparator group as well as ones selected by the Panel –attached as Doc. IRP6.

1.5 This report considers the issues which were referred to the Panel by the Council and matters raised by those who gave evidence to it. It also sets out a number of matters which it considers warrants more detailed consideration before the next review of the Allowances Scheme (Doc. IPR7).

(2) The Basic Allowance:

- 2.1 The Council's constitution specifies that the basic allowance is the sum paid to all Councillors "to cover all expenses and time incurred by a City Councillor in carrying out his/her ordinary duties for the Council "
- 2.2 Members interviewed considered that the existing level of the basic allowance appeared relatively low in relation to comparable Councils. It was noted that the level of the allowance had not been increased for 2 years. Also when compared with other similar authorities within the CIPFA Grouping and a number of other comparable Councils, the basic allowance was considered to be low.
- 2.3 From the information provided it was clear that Councillors spent at least 20/22 hours per week on Council business. Time was spent particularly on Ward business and responding to constituents as well as attending meetings of the Council and other associated bodies. Those Councillors who provided evidence did not wish to see job descriptions for their role nor an hourly rate payable. They considered that the role of Councillor carried with it an element of public service which did not require financial recompense. However, the call upon a member's time was frequently excessive and often affected members' employment situations and family life but it was recognised that this went with the position. Most members considered

that the present situation had an affect on the number and type of people prepared to come forward to stand for election. Ultimately this had an affect on the profile of the Council's membership. Ideally the Council should be reflective of the profile of the Peterborough community which it represents.

- 2.4 The Panel agreed with the comments made to it as set out above. It was conscious of the ever increasing calls upon a Councillor's time. Balancing "the rate for the job" and the element of public service was, however, far from easy. However, in making its recommendations the Panel was mindful that being a Councillor should be open to the widest possible range of the community irrespective of personal economic circumstances. The role of the Panel was to make recommendations on the level of allowances not to decide upon them. However, it also has to be appreciated that the continual deferment of paying the "going rate" stored up a very real problem for the future when economic pressures eased.
- 2.5 The Panel reviewed the level of the basic allowance with that of similar authorities as set out in Doc. IRP6. It concerned itself with attempting to determine levels of allowances that were fair, both within the scheme and which withstood scrutiny alongside comparative figures from other Local Authorities with similar characteristics to Peterborough. However, the Panel were aware that Peterborough's dynamics made simple comparison with other unitary authorities very difficult and due account was taken of demographic and economic issues and the Council's pro-active response to these factors. The additional responsibilities and time commitment needed to meet these challenges were acknowledged by the Panel.
- 2.6 In the circumstances the **Panel recommends that the basic allowance should be increased from £7,165.95 to £9,300.00 p.a.**

(3) Special Responsibility Allowances .

- 3.1. The extract from the Council Constitution (Doc IRP1) provides that a "special responsibility allowance" may be paid to some councillors who, in the Council's opinion, make a significant additional contribution to the work of the Council.
- 3.2 Regulation 5 of the Local Authorities (Member Allowances) (England) Regulations 2003 (Doc. IRP2) provides guidance on the categories of roles to which special responsibility allowances should be paid, e.g. the Leader, those presiding at meetings of the Council's committees, and those representing the Council on outside bodies. Regulation 5(f) provides additional guidance; it states that even though an activity may not fall into one of the categories described in the regulation, if any other activity is carried out by a Councillor which requires of the member an amount of time and effort equal to or greater than that required to carry out a

specified role (e.g. as Leader or Committee Chairman) then that member may also be paid a special responsibility allowance.

3.3 The Council has adopted a practice generally of paying special responsibility allowances on the basis of multipliers of its basic allowance i.e. the Leader at present receives 3x the basic allowance, and Chairman of Employment Committee receives a special responsibility allowance of 25% of the basic allowance in addition to the basic allowance. There are a number of exceptions e.g. the Deputy Leader receives 75% of the Leader's Allowance. The Council has set these usually as a multiplier of the basic allowance. Given the way in which special responsibility allowances are allocated by the Council at present, it should be noted that any increase in the basic allowance would be automatically multiplied in its effect on special responsibility allowances. In the circumstances the Panel has recommended that, with the exception of the Leader of the Council, other special responsibility allowances should be paid at a rate which is a percentage of the allowance paid to the Leader.

3.4 In reviewing the relative weighting given by the Council in respect of the special responsibility allowances the Panel took into consideration the documents listed at 1.4c). In some instances the Panel felt it required more information than the existing time constraints allowed for the current Review. As a consequence a number of issues were reserved for a future review.

These are shown at Doc. IRP7.

3.5 Leader of the Council: The Council has adopted the 'strong Leader with a cabinet' model for its local political management structure. The model is intended to provide a clear framework for decisive and accountable local leadership both internally for the Council and externally for the city's community. This includes partnership working and leadership with other community stakeholders. The Leader is able to appoint up to nine other Councillors as Cabinet members one of whom has to be designated as the Deputy Leader. Under this system the Leader has appointed the Cabinet and has given each Cabinet member a degree of individual executive decision making powers. Other executive decisions are taken jointly by the Cabinet (see Doc. IRP5)

3.6 Under the Council's delegation and portfolio holder structure it is clear that the Leader of the Council has retained functions which are of major importance to the Council and its community e.g. political leadership, strategic direction, strategic planning, city growth and the status of 'Environment Capital'. All those we interviewed (across parties) supported the level of special responsibility allowance currently paid to the Leader and indeed some would have supported a higher figure.

3.7 The Panel were impressed with the role, profile and energy which the Leader displayed in order to carry out the responsibilities of his position. It appeared to the Panel that this was a very personal and individual role which involved tremendous personal energy and pressure. The only issue which held back the Panel from recommending a higher level of special responsibility allowance for the Leader was some uncertainty about the role of Cabinet Advisers which is considered later in this Report. This situation should be reviewed in the Panel's next consideration of Members' Allowances.

3.8 Deputy Leader: The Deputy Leader is a member of the Cabinet, and is appointed by the Leader to both of these roles. The post holder's portfolio is for culture, recreation and strategic commissioning including waste management. The post holder is supported in this portfolio by a Cabinet Adviser. The post receives 75% of the leader's allowance equivalent to 2¼ times the basic allowance as a special responsibility allowance. The Cabinet adviser receives 1x the basic allowance as a special responsibility allowance and does not have a vote in Cabinet.

3.9 The Panel was concerned that the Deputy's Leader's special responsibility allowance at 75% of the Leader's allowance appeared to be a high percentage. This concern arose from the fact that the Leader's role appeared to be of such a personal and individual character. Comparator Councils appeared to pay an allowance more in the region of 65% of that of the Leader- although it appeared that Milton Keynes did not pay any Deputy Leader allowance. However, the post holder was a Cabinet member and the allowances for the Cabinet were 2x the basic allowance. In the circumstances the Panel recommends that **the special responsibility allowance for the Deputy Leader should be paid at the rate of 66.67% of the Leaders allowance to recognise the role of Deputy in addition to the post holder's Cabinet responsibility.**

3.10 Cabinet Members. Some Councillors expressed concern at the number of Members with roles on the Cabinet i.e. Cabinet Members and Advisers. Legislation restricts the number of Cabinet members to nine plus the Leader and concern was expressed about the role of the Cabinet Advisers. The position of the Cabinet members in relation to the Leader's role was considered in terms of weighting. As set out at paragraphs 3.5-3.7 above the Leader has a large strategic portfolio and has decided which powers to delegate to other portfolio holders. Having looked at the special responsibility allowances paid by similar councils (Doc. IRP6) most seem to be at or below 50% of the Leader's allowance. In the circumstances **the Panel recommends that the Cabinet members receive a special responsibility allowance which is 50% of that paid to the Leader of the Council.**

3.11 Cabinet Advisers. As set out above the Panel were concerned about the role of the Cabinet Advisers. They were not voting members of the Cabinet (which is restricted by law to no more than nine members plus the Leader of the Council.) Their role did not appear to be clearly defined and increased the member role at the Cabinet (even though not voting) to more than ten members. The Panel heard conflicting views on the role of the Advisers. One view was that they perform a very important role in the work of the Cabinet. However there was a view that they were unnecessary and simply added to the size of the Cabinet.

3.12 However, it might be seen that they dilute the individual accountability and clarity of the role of the “strong” Leader and Cabinet model of local political management. The issue was raised as to whether the Advisers were providing a professional role in relation to the matters they were providing advice upon i.e. was their role really that usually more associated with Council officers or external consultants? The Panel did not think that it had sufficient information within the existing time constraints to consider recommending change in respect of the Cabinet Advisers. However, it has agreed to carry out a deeper review of these posts and the special responsibility allowances payable in its next review. In the meantime in accordance with the percentage payment approach to special responsibility allowances **it recommended that the posts be paid at 25% of the Leader’s allowance**

3.13 Chairmen of Regulatory Committees. The Council paid special responsibility allowances to the four chairmen of its regulatory Committees. The level of the allowance was equivalent to a basic allowance in respect of the Planning and Environmental Protection Committee, the Licensing Committee and 25% of the basic allowance for the Audit Committee. The relative weighting of the payments made were discussed in depth by the Panel. There was a view from the Panel’s own experience that the Planning and Environmental Committee was busier and of a higher profile than the other committees and warranted a higher level of allowance. The Panel heard, however, that the Licensing Committee was expanding its remit and that there would be no automatic renewals of licenses for premises. This would result almost certainly with more activity, more hearings, more contentious issues and a consequent higher profile for the work of the Committee and the role of the Chairman.

3.14 In the circumstance it was agreed to recommend no change but to review the relative weighting of the special responsibility allowances paid to the Chairman of these Committees next year when the effect of the expanded activities of the Licensing Committee would be more clearly known. In the meantime in accordance with the percentage payment approach to special responsibility allowances **it**

recommended that the posts be paid at 25% of the Leader's allowance and the chairman of Employment Committee receive 6.25 % of the Leader's allowance.

- 3.15 Chairman of Scrutiny Commissions and Scrutiny Committees. The Panel acknowledged the importance of the work of Scrutiny Commissions/Committees in the review and policy development of the Council. With the particular model of political governance which the Council had adopted it was essential that there was an effective scrutiny mechanism to hold the executive to account. From the information received and available to the Panel e.g. paragraph 18 of the Report of the previous Panel (Doc.IRP3) it appeared that a new structure for Scrutiny had been put in place. No recommendations were made in respect of this matter but more information would be sought in time for the next Panel Review. In the meantime in accordance with the percentage payment approach to special responsibility allowances **it recommended that the posts be paid at 25% of the Leader's allowance.**
- 3.16 Chairman of Neighbourhood Committees. The Council had created seven Neighbourhood Committees each with an appointed Chairman. The seven Chairmen shared three basic allowances as special responsibility allowances at a figure of £3,071.12 each.
- 3.17 The Neighbourhood Committee structure covered the whole City Council area. Council Wards had been grouped together to form these Neighbourhood areas and were akin to groupings of "urban parishes". They formed a link between the activities of the Councillors and the community. The agenda for the meetings related to particular local issues and there were at the time of the review, no delegation to the Committees and no delegated budget as such. Committees met three or four times per annum. The Panel was told by some members that the time involved for the Chairman was in the order of five hours per meeting. One view was that the meetings were a "waste of time" and the special responsibility allowance paid was "grossly excessive".
- 3.18 The Leader of the Council had a clear vision for the work of the Neighbourhood Committees especially bearing in mind the provisions of the Localism Act 2011 which sought to devolve decision making to a more local level. Eventually the Committees would have delegated powers and budgets. However, he accepted that the structure was "not yet there".
- 3.19 The Panel considered the views expressed to it. Once the structure and delegation was clearly in place and operating effectively then perhaps a special responsibility allowance would be appropriate for its Chairmen. However the role, at present, does not appear in the opinion of the Panel to come within the definition of making "a

significant additional contribution to the Council's work "(see paragraph 3.1 above). In the circumstances the Panel **recommends that the special responsibility allowance paid to Chairmen of Neighbourhood Committees be discontinued.**

(4) Other issues referred to the Panel

4.1 Telephone Allowance. Members receive in addition to the basic allowance a telephone allowance of £568.68. This allowed Councillors to use their own telephone and be paid towards calls. The Council also had a system whereby all members were entitled to an iphone. This system was more secure from a Data Protection viewpoint as the issue of the Council holding information on third parties on a member's private telephone does not then arise. The issue was raised as to whether the telephone allowances should be adjusted to encourage members to take advantage of the system of iphones developed by the Council. After consideration the Panel decided that it wished to consider this issue in greater detail recommended that **no changes be made to the Telephone Allowance at this stage.**

4.2 Travel and Subsistence Allowance. Members received in addition to the basic allowance a travel and subsistence allowance of £227.45. This figure was intended to cover travel and subsistence within the City Council's area and further payments could be claimed outside of the area.

4.3 The Panel was asked to consider whether a central provision of refreshments for meetings would mean that the subsistence payment could be reduced. In addition one member asked the Panel to consider increasing the travel element of the payment because of the increasing cost of fuel. The problem was especially pronounced for Members in rural parts of the city area. The member travelled by car as public transport was not generally available; he did 100/150 miles per month and the allowance he received was used up in 2 months.

4.4 The Panel considered the points raised and had sympathy with regards to this matter. However, the Council's area is basically urban in nature and understood that it would be very difficult to identify and pay enhanced mileage allowances only to members who lived in rural areas. The increased level of basic allowance recommended by the Panel may help members experiencing difficulty in respect of this issue mitigate some of the effects of increased fuel cost. The Panel agreed to revisit this issue when it next considered members allowances. In the meantime the Council considered that the telephone and travel and subsistence payments should remain identifiable within the basic allowance.

(Note: the Panel was asked to consider member entitlement to car parking permits. However the Panel was informed that this issue was not a part of its remit.)

(5) Allowance for attending the newly created Police Scrutiny Panel. The Panel was asked to give a view on whether attendance at the newly formed Police Scrutiny Panels should qualify for the payment of an allowance. The Panels had been formed in connection with the election of the new Police Commissioner for Cambridgeshire. It was estimated that the appointment would take one day per month; there would be four meetings per year, taking place in the day time. The Council appointed three members to the Panel and acted as secretariat for the meetings which would take place in Huntingdon. The Remuneration Panel were informed that this was a new role created for members and the full extent of the time and responsibility had not been determined. In the circumstances **the Panel decided not to recommend any special responsibility payment in respect of this role.**

Summary of Proposals

	Present	Proposed
	£	£
Basic Allowance	7,165.95	9,300.00
Telephone Allowance	568.68	568.68
Subsistence Allowance	227.45	227.45
Leader of the Council	21,497.85	27,900.00
Deputy Leader of the Council (66.67 % of Leader)	16,123.00	18,600.00
Cabinet Members (50% of Leader)	14,331.90	13950.00
Cabinet Advisers (25% of Leader)	7,165.95	6975.00
Chairman Planning and Environmental Protection Committee (25% of Leader)	7,165.95	6975.00
Chairman of Licensing Committee (25% of Leader)	7,165.95	6975.00
Chairmen of Audit Committee (25% of Leader)	7,165.95	6975.00
Independent Member of Audit Committee	784.50	784.50
Chairman of Employment Committee (6 ¼ % of Leader)	1,791.48	1743.75
Chairmen of Scrutiny Commissions (2 Members) (25% of Leader)	7,165.95	6975.00
Chairmen of Scrutiny Committees (3 Members) (25% of Leader)	7,165.95	6975.00
Chairmen of Neighbourhood Committees	7,130.12	-nil-
Leader of Opposition Groups (25% of Leader) to be divided pro rata as at present and in accordance with existing conditions	7,130,12	6975.00

Note: All members receive a basic allowance; in addition certain members may receive ONE special responsibility allowance.

Issues for future consideration by the Panel

- 1 the role of Cabinet Advisers and payments to them.
- 2 the appropriate special responsibility for the Chairmen of the Council's regulatory committees.
- 3 The payment of travel and subsistence allowances and whether these should be integrated in to the basic allowance. Whether it was possible to devise a scheme to ensure that rural area of the City were not disadvantaged by e.g. devising a "rural rate" for some wards of the council
- 4 Whether the telephone allowance should be integrated into the basic allowance.

This page is intentionally left blank

Proposed changes January 2013

SUMMARY OF CHANGES TO MEMBERS ALLOWANCE SCHEME (Excludes any NI costs)

	No of Councillors Receiving Allowance	Current	Proposed	Impact	Comments
Basic Allowance					
Basic Allowance (G2300 09520)	57	408,459	530,100	121,641	
Telephone Allowance (G2300 10630)	57	32,415	32,415	-	
Subsistence Allowance (G2300 09410)	57	12,965	12,965	-	
Total Basic Allowance		453,839	575,479	121,641	
Special Responsibility Allowance (SRA)					
Leader of The Council	1	21,498	27,900	6,402	
Deputy Leader	1	16,123	18,601	2,478	
Cabinet	7	100,323	97,650	- 2,673	
Cabinet Advisors	3	21,498	20,925	- 573	
Chair of Planning & Environmental Protection Committee	1	7,166	6,975	- 191	
Chair of Licensing Committee	1	7,166	6,975	- 191	
Chair of Audit Committee	1	7,166	6,975	- 191	
Independent Member of Audit Committee	1	785	785	-	
Chair of Employment Committee	1	1,791	1,744	- 48	
Chair of Scrutiny Commissions	2	14,332	13,950	- 382	
Chair of Scrutiny Committee	3	21,498	20,925	- 573	
Chair of Neighbourhood Councils	7	21,498	-	- 21,498	
Leader of Opposition Group - Distributed	1	7,166	6,975	- 191	
Chair of Standards Committee	1	1,569	1,569	-	
Independent Members of Standards Committee	1	785	785	-	
Total Special Responsibility Allowance		250,363	232,733	- 17,631	
TOTALS		704,202	808,212	104,010	additional cost of Proposed Scheme

This page is intentionally left blank

COUNCIL	AGENDA ITEM No. 15(b)
30 JANUARY 2013	PUBLIC REPORT

RECOMMENDATION OF APPOINTMENT TO INDEPENDENT PERSON

R E C O M M E N D A T I O N S
FROM : Helen Edwards, Solicitor to the Council & Monitoring Officer
That Council approves the recommendation by the Audit Committee to appoint Gillian Holmes as the Independent Person for Peterborough City Council.

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Localism Act 2011 requires that all Local Authorities must appoint at least one Independent Person. The role of the Independent Person is to oversee the process for dealing with allegations that a member has breached the Members' Code of Conduct.
- 1.2 The arrangements adopted by Full Council in July include provision for the appointment of one Independent Person and one Deputy Independent Person.
- 1.3 The legislation dictates that the actual appointment must be a decision undertaken by Full Council.

2. BACKGROUND (& CONSULTATION)

- 2.1 At Full Council in April 2012 the Monitoring Officer was given delegated powers to devise and implement a procedure for recruiting one or more "Independent Persons", subject to approval of such appointments by Council.
- 2.2 The Independent Person has three main functions:
 - The Independent Person must be consulted and their views taken into account before the Council makes a decision on any allegation it has decided to investigate (i.e. at hearing stage).
 - The Independent Person may be consulted by the Council in other circumstances related to "standards" issues; e.g. at the point at which a complaint is received, or more generally regarding ethical issues.
 - The Independent Person may be consulted by a member of the authority against whom an allegation has been made.

This last role could give rise to a conflict of interest if, for instance, the Monitoring Officer has already consulted, or needs to consult, the Independent Person. It is considered prudent therefore to appoint more than one Independent Person.

- 2.3 Although the regulations permitted former independent members of the previous 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.
- 2.4 Two recruitment campaigns have been completed. The first proved unsuccessful, with no applicants at all. During the second recruitment campaign, Independent Persons of other Cambridgeshire Authorities were approached, because the original recruitment campaign had failed to attract anyone to take up the role in Peterborough. Following the second campaign, three candidates were interviewed. The interview panel consisted of the Monitoring Officer and Deputy Monitoring Officer. Two of the candidates had previously been heavily involved in the old standards regime and for this reason the Audit Committee did not wish to recommend their appointment to Full Council. Council had previously expressed a view that it wished to make a clean break from the old regime. This was a rejection of the Monitoring Officer's recommendation that at least one of these people was appointed as the Deputy Independent person, at least until another person could be recruited who had not been involved in the previous regime. The interview panel considered the third candidate to have relevant background and suitability, therefore it was recommended to the Audit Committee that a recommendation be made to Full Council to appoint this candidate as Independent Person. A sub-committee of the Audit Committee met with the prospective Independent Person Gillian Holmes on 19th December 2012 and following this meeting it was agreed the Audit Committee will endorse the recommendation to Council that Gillian Holmes' be appointed as the Independent Person.
- 2.5 The candidate being recommended for appointment to the position of Independent Person is Mrs Gillian Holmes. Mrs Holmes is qualified Solicitor, admitted in 1992. A summary of Mrs Holmes' experience, relevant expertise, skills and attributes are attached at Annex A.
- 2.6 Council has already approved an annual payment of £1000 per annum to the Independent Person and £500 for the role of Deputy. 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.
- 2.7 The Localism Act 2011 states that the Independent Person should be available to be consulted by a member who is the subject of an allegation that they have breached the Members' Code of Conduct. In addition, an Independent Person must be consulted by the decision making body before it makes a final decision on an allegation that has been investigated. The decision making body at the Council is the Hearings Panel, sub-committee of the Audit Committee.

3. REASONS FOR RECOMMENDATIONS

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

4. ALTERNATIVE OPTIONS CONSIDERED

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

5. IMPLICATIONS

Legal

- 5.1 The Council is required by statute to appoint an Independent Person.

Financial

5.2 There are no specific financial implications to appointing an Independent Person, aside from Officer time.

6. BACKGROUND DOCUMENTS

6.1 Localism Act 2011 and associated Regulations

Annex A: Summary of Mrs Holmes' experience

ANNEX A

Experience of candidate recommended for position of Independent Person

Qualifications

- Qualified Solicitor admitted in 1992
- NVQ Level 4 – Management
- Assessing Candidate Performance – D32/33

Summary of experience

- Majority of working life has been within public service [the Courts' Service] and began career as a legal adviser to lay justices. During the latter part of career combined legal work with a senior management role.
- For the last three years has worked, on a part time basis, in a private legal practice carrying out legal and project management work for a senior partner in the firm.
- Also works on a Contract for Services basis for the Solicitors Regulatory Authority assessing training material and courses and reporting to them about the standard of the material/course.

Relevant expertise and skills

- Extensive background in serving the local community.
- Responsible for 125 lay justices and has experience of upholding standards in public life.
- In role as a legal adviser was required to give objective, independent and impartial advice on a daily basis, most frequently in open court where it was open to challenge.
- Has led teams of staff and magistrates, where exercising sound judgement and making sound decisions were a vital part of the role.
- In both the legal and management roles, is used to handling highly confidential and sensitive information.
- Has trained magistrates and staff. Part of this role was to train in equality, diversity and ethical behaviours, where there was a requirement to assess these behaviours as part of ongoing training.
- Part of the management role was to deal with complaints both regarding legal decisions and the behavior of justices and staff.

Attributes to bring to the role

- Believes strongly that it is important to maintain high standards of conduct amongst those who serve the public.
- Through both management role within the Courts' Service and more recently in private practice, has been required to contribute to the development of codes of practice for both magistrates and staff, to ensure those codes were implemented and to monitor behaviours against them.
- In each of these roles has been required to deal with complaints, both as investigating and as reviewing officer, hence has sound knowledge and understanding of complaints procedures.
- Throughout career with the Courts' Service and senior management roles, the seven principles of public life were at the heart of the work.
- A legal background ensures can demonstrate the ability to assess evidence and draw objective conclusions from it.
- Has considerable experience of setting out the facts found by tribunals and the reasons for any decision.
- Has recently been appointed as an Independent Person for Cambridgeshire County Council.

This page is intentionally left blank

COUNCIL	AGENDA ITEM No. 15(c)
30 JANUARY 2013	PUBLIC REPORT

CHANGES TO THE CONSTITUTION REQUIRED TO REFLECT CURRENT LEGISLATIVE REQUIREMENTS REGARDING THE LICENSING OF SEX ESTABLISHMENTS

R E C O M M E N D A T I O N S
FROM : Teresa Martin - Regulatory Officer - Licensing
<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. approve the amendments to the delegations for the Licensing Committee in accordance with the functions and provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009; and 2. agree that the constitution is updated accordingly (as in Appendix B)

1. PURPOSE AND REASON FOR REPORT

- 1.1 To update references in the constitution relating to the licensing of sex establishments.
- 1.2 To clarify within the constitution, licensing delegations, confirming whether they are to the licensing committee, an officer or chair of the licensing committee when determining different applications, and to provide further clarity regarding the setting of licensing fees.

2. BACKGROUND (& CONSULTATION)

- 2.1 The council adopted the changes in legislation brought about by the Policing and Crime Act 2009, which introduced a new category of sex establishment called Sexual Entertainment Venue, on 8 December 2010 (agenda item 7 (ii)(b)).
- 2.2 The constitution currently states that renewal of licenses for sex shops and sex cinemas is governed by the Licensing Act 2003. This needs to be amended as they are governed by the Local Government (Miscellaneous Provisions) Act 1982.
- 2.3 The constitution does not currently include provision for granting new applications for sex establishments. These applications will be determined by the licensing committee. The licensing committee will also determine the fees applicable for sex establishments on an annual basis.

3. LEGISLATION

- 3.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 governs the licensing of sex establishment licenses (sex shops and sex cinemas). This was amended by the Policing and Crime Act 2009 which was adopted on 8 December 2010 by full council. This took the licensing of lap dancing clubs and similar venues out of the scope of the Licensing Act 2003 and introduced sexual entertainment venues to the provisions of the Miscellaneous Provisions Act.
- 3.2 The proposed changes will ensure that it is clear in the constitution that all new applications, applications with representations (that have not been withdrawn) and revocations will all be determined by the licensing committee. Officers will only determine

applications for renewals and transfers where no representations are received, or where representations made have been withdrawn. Variation applications will be determined by officers in consultation with the chair of the licensing committee.

4. IMPLICATIONS

4.1 Legal

Legal Services have reviewed the proposals and confirm that they meet with the legislative requirements described above. Guidance has also been sought from the Legal Section on the compilation of this report.

4.2 By not updating the constitution accordingly, it could leave the council open to criticism or judicial review.

4.2 Financial

No financial implications have been identified.

5. BACKGROUND DOCUMENTS

Council report from [8 December 2010](#).
[Section 27 of the Policing and Crime Act 2009](#).

Recommended Changes to the Constitution

Provision	Proposal	Amendments to Wording
<p>Responsibility for issuing, granting, refusing, renewing, revoking, transferring, renewing, adding condition and setting fees in relation to sex establishments</p> <p>Part 3 Section 2 Licensing Committee Delegation</p>	<p>The Licensing Committee will determine the fees and all new initial applications and revocations of sex establishment licences and any application with representations where they are not delegated to officer at section 2.4.3.1 (v) and (w)</p>	<p><u>Proposed New insertion: Rule 2.4.1.3 (k) is inserted.</u></p> <p>2.4 Licensing Committee</p> <p>2.4.1 Terms of reference</p> <p>2.4.1.1 To undertake and perform all of the Licensing Authority’s statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.</p> <p>2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.</p> <p>2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-</p> <p>...</p> <p>(k) Issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments</p>
<p>Removal of provision under 2.4.3.1 (t) (xi) Licensing Act 2003 table</p>	<p>As all Sex Establishments will be governed by the Miscellaneous Provisions Act, this section to be removed</p> <p>Section 2.4.3.1 (t) (xi) to be deleted</p>	<p><u>Proposed Deletion: Rule 2.4.3.1 (t) (xi) is deleted.</u></p> <p>2.4.3 Delegations to officers</p> <p>2.4.3.1 The Executive Director – Operations is authorised:</p> <p>(t) under the Licensing Act 2003:</p> <p>(xi) to renew licences for sex shops and sex cinemas and in renewing these licences amend or attach any conditions as is necessary in accordance with the Licensing Act 2003;</p>

Provision	Proposal	Amendments to Wording
<p>Responsibility to issue, renew, transfer and add conditions in relation to sex establishments licenses delegation to officer</p> <p>Part 3 Section 2 Delegations to officer</p>	<p>Officers will determine applications for renewals and transfers where no representations have been received or representations have been withdrawn.</p> <p>To be inserted 2.4.3.1 (v)</p>	<p><u>Proposed New insertion: Rule 2.4.3.1 (v) is inserted.</u></p> <p>2.4.3 Delegations to officers</p> <p>2.4.3.1 The Executive Director – Operations is authorised:</p> <p>...</p> <p>(v) To issue/renew/transfer and add conditions in relation to sex establishment licenses where no representations have been received or representations have been withdrawn</p>
<p>Responsibility to vary existing licenses</p> <p>Part 3 Section 2 Delegations to officer</p>	<p>Variations will be determined by officers in consultation with the chair of the licensing committee.</p> <p>To be inserted 2.4.3.1 (w)</p>	<p><u>Proposed New insertion: Rule 2.4.3.1 (w) is inserted</u></p> <p>2.4.3 Delegations to officers</p> <p>2.4.3.1 The Executive Director – Operations is authorised:</p> <p>...</p> <p>(w) Determine variation applications in relation to sex establishments, in consultation with the Chair of the licensing committee</p>

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

2.4 Licensing Committee

2.4.1 Terms of reference

- 2.4.1.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.
- 2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.
- 2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-
- (a) hackney carriage and private hire vehicle licensing
 - (b) licensing marriage and entertainment
 - (c) licensing shops and food premises
 - (d) safety issues (sports grounds, and Health and Safety at Work Act)
 - (e) licensing premises associated with live animals
 - (f) approval and enforcement duties relating to premises associated with dead animals and food production
 - (g) employment related licensing functions
 - (h) Betting, gaming, lotteries and charity collections
 - (i) Licences for alcohol and entertainment etc
 - (j) Licensing of food premises
 - (k) Issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments**
- 2.4.1.4 To consider and determine all applications in relation to the functions in Schedule 2.4.4, where:
- (a) they are not delegated to Officers;
 - (b) the Officer with delegated authority refers the application to the Committee.
- 2.4.1.5 To consider whether or not to:
- (a) suspend, and/or
 - (b) revoke, and/or
 - (c) refuse to renew, and/or
 - (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
 - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

- (v) to consider Applications to vary the designated premises supervisor if there is no Police objection
 - (vi) to request to be removed as Designated Premises Supervisor in all cases
 - (vii) to consider Applications for transfer of Premises Licence if there is no Police objection
 - (viii) to consider Applications for interim authorities if there is no Police objection
 - (ix) to decide on whether a complaint is irrelevant, frivolous or vexatious in all cases
 - (x) to grant or refuse and attach conditions to a Public Entertainment Licence, to permit an exhibition, demonstration or performance of hypnotism on any person and to vary and/or attach conditions to an existing Licence in accordance with the Licensing Act 2003;
 - ~~(xi) to renew licences for sex shops and sex cinemas and in renewing those licences amend or attach any conditions as is necessary in accordance with the Licensing Act 2003;~~
 - (xi) to determine the suitability of films to be shown to particular age groups and licensing of premises showing films;
 - (xii) to license theatre premises in accordance with the Licensing Act 2003
 - (xiii) to issue, amend, revoke or refuse licenses under the Licensing Act 2003
 - (xiv) to take decisions in respect of applications for a minor variation to a premises/club premises certificate in all cases; and to take decisions relating to applications for the mandatory alcohol condition requiring a Designated Premises Supervisor in respect of a premises licence to be disapplied if there is no police objection
 - (xv) issue Closure Notices to premises operating in breach of their licensing conditions and apply for an Order to close the premises should the illegal behaviour not continue.
- (u) under the Gambling Act 2005
- (i) to set the fees when appropriate following consultation with the Chair of the Committee
 - (ii) to consider applications for premises licenses where no representations have been received or representations have been withdrawn;
 - (iii) to consider applications for a variation of a license where no representations have been received or representations have been withdrawn;
 - (iv) to consider applications for a transfer of a licence where no representations have been received

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

- (v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn
- (vi) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;
- (vii) to consider applications for other permits under the Act;
- (viii) to cancel licensed premises gaming machine permits as appropriate;
- (vix) to consider temporary use notices as appropriate
- (x) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005
- (xi) to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act
- (xii) to exchange information under Section 350 of the Act
- (xiii) to have a statement of principles for Unlicensed Family Entertainment Centres.
- (xiv) to have a statement of principles for Prize Gaming.

(v) To issue/renew/transfer and add conditions in relation to sex establishment licenses where no representations have been received or representations have been withdrawn.

(w) Determine variation applications in relation to sex establishments, in consultation with the Chair of the licensing committee

2.4.3.2 The Executive Director – Operations, in consultation with the Chair of the Licensing Committee, is authorised to:

Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).

2.4.3.3 **The Director of Children’s Services is authorised:**

- (a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;
- (b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.

2.4.3.4 **The Executive Director – Strategic Resources** is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

Issue date December 2012
Version 010

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

2.4.4 Schedule of relevant functions – Licensing Committee

2.4.4.1 Hackney carriage and private hire licensing

Function	Relevant legislation
Licensing hackney carriages and private hire vehicles	HACKNEY CARRIAGES Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by Public Health Act 1875 (38 & 39 Vict. C.55), Section 171 and Transport Act 1985 (c.67) Section 15; and Local Government (Miscellaneous Provisions) Act 1976 (c.57) Sections 47, 57-58, 60 and 79. PRIVATE HIRE VEHICLES Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 57-58, 60 and 79.
Licensing drivers of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 51, 53-54, 59, 61 and 79
Licensing operators of hackney carriages and private hire vehicles	Local Government (Miscellaneous Provisions) Act 1976, Sections 55-58, 62 and 79

2.4.4.2 Licences for Marriage and Entertainment

Approving premises for the solemnisation of marriage and civil partnerships	Marriage Act 1949 (c.76) s46A (as inserted by Marriage Act 1994 (c.34), Section 1); and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005, No.: 3168)
Licensing performances of hypnotism	The Hypnotism Act 1952 (c.46), Section 1 as amended by Licensing Act 2003 (c.17) paragraph 198 and Schedule 6, paragraphs 25 – 27

Recommended changes to the constitution in bold and underlined

Part 3, Delegations Section 2 – Regulatory Committee Functions

Issuing theatre licences	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) (as to transitional provisions from old Licence granted under the Theatres Act 1968 to a Premise License under the Licensing Act 2003) Licensing Act 2003 (c.17), Part 3 (as to grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)
Issuing and Enforcing Licenses for Alcohol and Entertainment etc	Licensing Act 2003 (c.17), Part 3 (Premise Licence), Part 4 (Club Licence), Part 5 (Permitted Temporary Activities) and Part 6 (Personal Licences) N.B. Mandatory and prohibitory conditions to be applied to any Licence granted under Parts 3, 4 and 6.
<u>Issuing and Enforcing Licenses for sex shops, sex cinemas and sexual entertainment venues</u>	Local Government (Miscellaneous Provisions) Act 1982 (c.30), Section 2 and Schedule 3 (as amended by Licensing Act 2003 (c.17), Schedule 6, paragraph 85 <u>and by Section 27 of the Policing and Crime Act 2009 (c.26)</u>)

2.4.4.10 Licensing of Food Premises

Licensing night cafes and take-away food shops	Licensing Act 2003 (c.17), s.200 and Schedule 8, Part 1(e) (as to transitional provisions from old Licence granted under s.1 of the Cinema Act 1985 to a Premise License under the Licensing Act 2003) Licensing Act 2003 (c.17), Part 3 (Premise Licence) (as to the grant, variation, transfer and review of Premise Licenses under the Licensing Act 2003)
--	--

2.4.4.11 Gambling

Issuing, registering and enforcing Premise Licenses	Gambling Act 2005 (c.19), Part 8 and Part 18, Section 346
Acknowledging or determining, registering and enforcing Temporary Use Notices	Gambling Act 2005 (c.19), Part 9 and Part 18, Section 346
Issuing and enforcing Family Entertainment Centre Gaming Machine Permits	Gambling Act 2005 (c.19), Part 10, Section 247, Part 18, Section 346 and Schedule 10
Issuing and cancelling/forfeiting Club	Gambling Act 2005 (c.19), Part 12,

Issue date December 2012
Version 010

This page is intentionally left blank

COUNCIL	AGENDA ITEM No. 15(d)
30 JANUARY 2013	PUBLIC REPORT

CHANGES TO THE CONSTITUTION REQUIRED TO REFLECT CURRENT LEGISLATIVE REQUIREMENTS REGARDING SCRAP METAL DEALERS

R E C O M M E N D A T I O N S
FROM : Teresa Martin - Regulatory Officer - Licensing
That Council: approve the amendments to ensure the constitution is correct in administering the functions and provisions of the Scrap Metal Dealers Act 1964

1. PURPOSE AND REASON FOR REPORT

- 1.1 Within the constitution Scrap Metal Dealers are currently under the planning and environmental protection committee. It is proposed that the licensing committee take over this function.
- 1.2 To add orders of exemption (for itinerant dealers) under Section 3 of the Act to the constitution

2. BACKGROUND (& CONSULTATION)

- 2.1 Currently the licensing department deal with registrations under the Scrap Metal Dealers Act, and will also consider applications for orders of exemption. It provides clarity to move this provision to the licensing committee. Also the legislation for Scrap Metal Dealers will be changing from a registration to a licensing matter in due course.
- 2.2 The council has a duty to consider applications for 'orders of exemption' in relation to itinerant collectors under Section 3 of the Scrap Metal Dealers Act 1964. Currently the constitution does not reflect this provision.

3. LEGISLATION

- 3.1 The Scrap Metal Dealers Act 1964 has recently been amended by The Legal Aid Sentencing and Punishment of Offenders Act 2012, which effectively makes the buying of scrap metal for cash an offence unless the dealer is registered with the local authority and also has an order of exemption under Section 3 of the Act. This change in legislation took effect on 3 December 2012.
- 3.2 The proposed changes will ensure that the constitution makes it clear how orders of exemption will be considered and determined.

4. IMPLICATIONS

4.1 Legal

Legal Services have reviewed the proposals and confirm that they meet with the legislative requirements described above. Guidance has also been sought from the Legal Section on the compilation of this report.

- 4.2 By not amending the constitution, it could leave the council open to criticism or judicial review.

4.2 Financial

No financial implications have been identified.

This page is intentionally left blank

Recommended Changes to the Constitution

Provision	Proposal	Amendments to Wording
<p>Responsibility for registration and applications for orders of exemption for Scrap Metal Dealers.</p> <p>Part 3 Section 2 Licensing Committee Delegation</p>	<p>That the Licensing Committee take over the functions for Scrap Metal Dealers from the Planning and Environmental Protection Committee.</p> <p>To be inserted at 2.4.1.3 (l) where they are not delegated to officer at section 2.4.3.1 (x)</p>	<p><u>Proposed New insertion: Rule 2.4.1.3 (l) is inserted.</u></p> <p>2.4 Licensing Committee</p> <p>2.4.1 Terms of reference</p> <p>2.4.1.1 To undertake and perform all of the Licensing Authority’s statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.</p> <p>2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.</p> <p>2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-</p> <p>...</p> <p>(l) Scrap Metal Dealers registrations and orders of exemption</p>
<p>Responsibility for registration and applications for orders of exemption for Scrap Metal Dealers.</p> <p>Part 3 Section 2 Delegations to officer</p>	<p>That the decisions in relation to Scrap Metal Dealers Registrations are delegated to officer except in relation to an order of exemption for itinerant collectors where an application has been refused and the applicant wants to appeal that decision.</p> <p>To be inserted 2.4.3.1 (x)</p>	<p><u>Proposed New insertion: Rule 2.4.3.1 (x) is inserted.</u></p> <p>2.4.3 Delegations to officers</p> <p>2.4.3.1 The Executive Director – Operations is authorised:</p> <p>...</p> <p>(x) To issue/renew registrations of scrap metal dealers and orders of exemption except where an application for an order of exemption has been refused and the applicant wants to appeal that decision.</p>

Provision	Proposal	Amendments to Wording
<p>Removal of Responsibility for Scrap Metal Dealers.</p> <p>Part 3 Section 2 Planning and Environmental Protection Committee.</p> <p>2.5.2.7</p>	<p>Removal of Scrap Metal Dealers from Planning and Environmental Protection Committee provisions as it will be undertaken by the licensing committee where not delegate to officer.</p>	<p>Proposed Deletion Rule 2.5.2.7 (a) is deleted</p> <p>2.5.2.7 The Executive Director - Operations is authorised:</p> <p>(a) To deal with registration of scrap metal dealers;</p> <p>(b) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.3;</p> <p>(c) To take appropriate action and issue all notices (including notices of entry) under the following legislation: Control of Pollution Act 1974; Noise and Statutory Nuisance Act 1993.</p>

2.4 Licensing Committee

2.4.1 Terms of reference

- 2.4.1.1 To undertake and perform all of the Licensing Authority's statutory functions and duties under the Licensing Act 2003 and to delegate functions in accordance with Guidance issued under Section 182 of that Act.
- 2.4.1.2 To delegate to sub-committees consisting of three members of the Licensing Committee the functions listed at 2.4.2.
- 2.4.1.3 To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely:-
- (a) hackney carriage and private hire vehicle licensing
 - (b) licensing marriage and entertainment
 - (c) licensing shops and food premises
 - (d) safety issues (sports grounds, and Health and Safety at Work Act)
 - (e) licensing premises associated with live animals
 - (f) approval and enforcement duties relating to premises associated with dead animals and food production
 - (g) employment related licensing functions
 - (h) Betting, gaming, lotteries and charity collections
 - (i) Licences for alcohol and entertainment etc
 - (j) Licensing of food premises
 - (k) Issue, grant, refuse, revoke, transfer, renew, vary, add conditions and set fees in relation to the licensing of sex establishments
- (l) Scrap Metal Dealers registrations and orders of exemption**
- 2.4.1.4 To consider and determine all applications in relation to the functions in Schedule 2.4.4, where:
- (a) they are not delegated to Officers;
 - (b) the Officer with delegated authority refers the application to the Committee.
- 2.4.1.5 To consider whether or not to:
- (a) suspend, and/or
 - (b) revoke, and/or
 - (c) refuse to renew, and/or
 - (d) amend any conditions of any existing licence/permit/consent in any case which is referred to the Licensing Committee by the relevant Officer where the holder has been:
 - (i) convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) convicted of an offence or has failed to comply with the statutory provisions relating to the issue of any licence/permit/consent, or
 - (iii) in breach of any conditions attached to the issue of any licence/permit/consent, and/or
 - (iv) any other reasonable cause.

- (v) to consider applications for a provisional statement where no representations have been received or representations have been withdrawn
 - (vi) to consider applications for a club gaming/club machine permit where no objections have been made or objections have been withdrawn;
 - (vii) to consider applications for other permits under the Act;
 - (viii) to cancel licensed premises gaming machine permits as appropriate;
 - (vix) to consider temporary use notices as appropriate
 - (x) to designate an officer of a licensing authority as an authorised person for a purpose relating to premises under Section 304 of the Gambling Act 2005
 - (xi) to institute criminal proceedings for offences under section 342 of the Gambling Act 2005 – Section 346 of the Act
 - (xii) to exchange information under Section 350 of the Act
 - (xiii) to have a statement of principles for Unlicensed Family Entertainment Centres.
 - (xiv) to have a statement of principles for Prize Gaming.
 - (v) To issue/renew/transfer and add conditions in relation to sex establishment licenses where no representations have been received or representations have been withdrawn.
 - (w) Determine variation applications in relation to sex establishments, in consultation with the Chair of the licensing committee
 - (x) To issue/renew registrations of scrap metal dealers and orders of exemption except where an application for an order of exemption has been refused and the applicant wants to appeal that decision.**
- 2.4.3.2 The Executive Director – Operations, in consultation with the Chair of the Licensing Committee, is authorised to:
- Determine the fees for premises licences (The Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)).
- 2.4.3.3 **The Director of Children’s Services is authorised:**
- (a) to monitor and regulate the employment of young people below school leaving age, including issuing of work permits, investigation of breaches to bye-laws and meeting all LEA statutory responsibilities with regard to prosecution of employers who contravene employment legislation;
 - (b) to grant or refuse licences for children to take part in public entertainment or performances and to grant or refuse chaperone licences, in accordance with bye-laws.
- 2.4.3.4 **The Executive Director – Strategic Resources** is authorised to determine applications for licenses to use premises for holding a marriage or civil ceremony

Part 3, Delegations Section 2 – Regulatory Committee Functions

Issuing and cancelling/forfeiting Club Machine Permits and Club Gaming Permits	Gambling Act 2005 (c.19), Part 12, Sections 271 – 274 and Schedule 12
Issuing and cancelling/forfeiting Licensed Premises Gaming Machine Permits	Gambling Act 2005 (c.19), Part 18, Section 346 and Schedule 13
Issuing, enforcing and registering Prize Gaming Permits	Gambling Act 2005 (c.19), Part 13, Part 18, Section 346 and Schedule 14
Registration revocation and enforcement of Small Society Lotteries	Gambling Act 2005 (c.19), Part 11, Part 18, Section 346 and Schedule 11, Part 5
Assessment of Compliance through inspection and enforcement of breaches	Gambling Act 2005 (c.19), Part 15 and Part 18, Section 346
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the Gambling Act 2005
Power to institute criminal proceedings for offences under section 342 of the Gambling Act 2005	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)."

2.4.4.12 Scrap Metal Dealers

Registration of scrap metal dealers and applications for orders of exemption for itinerant collectors	Section 1 and Section 3 of the Scrap Metal Dealers Act 1964 (c.69)
--	---

- 2.5.2.4 **The Executive Director – Operations is authorised** to determine:
- (a) applications under Prior Approval of Telecommunications Procedures; and
 - (b) those under delegation 2.6.2.3 (b) and 2.6.2.3 (f);
- in consultation with the Chairman or, if not available or inappropriate, the Vice Chairman of the Committee, where a Member or a Parish Council has exercised their power to refer an application to the Committee but there is no scheduled meeting of the Committee within the time period for response.
- 2.5.2.5 **Authorised Signatories**
- (a) Planning Decision or Building Control Notices determined by Committee - the Executive Director - Operations
 - (b) Notices and directions following determination by Committee, under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification - the Executive Director - Operations.
- 2.5.2.6 **The Executive Director - Operations is authorised:**
- (a) to issue licences for hoardings and scaffolding within the highway;
 - (b) to issue licences for the placing of skips within the highway;
 - (c) to exercise the non-executive powers and duties of the Council, acting on its behalf as the local highway authority, traffic authority, transport authority, parking authority and technical approval authority, including the serving of Notices as contained in the Highways Act 1980
 - (d) to create, extinguish and divert footpaths under the Highways Act 1980;
 - (e) to enter land under the legislation governing the functions for which s/he is responsible;
 - (f) to modify rights of way, in line with para 2.6.2.6 (d) above.
- 2.5.2.7 **The Executive Director - Operations is authorised:**
- ~~(a) To deal with registration of scrap metal dealers;~~
 - (b) To undertake non-executive actions under the Environmental Protection Act 1990 in relation to pollution and statutory nuisance (these are set out in Schedule 2.6.3;
 - (c) To take appropriate action and issue all notices (including notices of entry) under the following legislation:
Control of Pollution Act 1974;
Noise and Statutory Nuisance Act 1993.
- 2.5.2.8 The Executive Director - Operations is authorised to serve notices requiring information in relation to ownership of land and property under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.5.2.9 The Executive Director – Operations is authorised to issue licences and ensure compliance with statutes relating to residential caravan sites, touring caravans and campsites, as listed in Schedule 2.6.3 (Section 3 Caravan

Part 3, Delegations Section 2 – Regulatory Committee Functions

Issuing 'site licences' authorising the use of land as a caravan site	Section 3(3) Caravan Sites Control and Development Act 1960 (c.62)
Issuing licences for use of moveable dwellings as camping sites	Section 269(1) Public Health Act 1936 (c.49)
Licensing scrap yards	Section 1 Scrap Metal Dealers Act 1964 (c.69)
Making closing orders with respect to take-away food shops	Section 4 Local Government (Miscellaneous Provisions) Act 1982 (c.30)
Any function regarding complaints of noise at night	Noise Act 1996

2.5.3.6 Health

Power to enforce offences relating to the display of no-smoking signs	Section 6(5) of the Health Act 2006
Power to enforce offences relating to smoking in smoke-free places	Section 7(4) of the Health Act 2006
Power to enforce offence of failing to prevent smoking in smoke-free places	Section 8(4) of the Health Act 2006
Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006

This page is intentionally left blank