

CABINET

MONDAY 15 NOVEMBER 2021
10.00 AM

Engine Shed - Sand Martin House
Contact – philippa.turvey@peterborough.gov.uk, 01733 452460

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**MINUTES OF THE SHAREHOLDER CABINET COMMITTEE MEETING
HELD AT 10:00AM ON
MONDAY 14 JUNE 2021
VIA ZOOM**

Members Present: Councillors Allen (Chair), Councillor Bisby, Councillor Coles, Councillor Walsh

1. Apologies for Absence

Apologies for absence were received from Councillor Ayres and Councillor Cereste, with Councillor Bisby in attendance as a substitute for Councillor Ayres.

2. Declarations of Interest

There were no declarations of interest received.

3. Minutes of the Meeting Held on 1 March 2021

The minutes of the meeting held on 1 March 2021 were approved as a true and accurate record.

4. Delivery of Leisure Services Since 1 October 2020 by Peterborough Limited

The Shareholder Cabinet Committee received a report in relation to the Delivery of Leisure Services by Peterborough Limited.

The purpose of this report was to update the committee on the Council's existing and ongoing Leisure arrangements.

The Corporate Director for Resources addressed the Shareholder Cabinet Committee and advised that services for leisure and culture had been handed back to the Council from Vivacity in October 2020. Information on culture services would be provided to the next meeting of the committee. Members were informed that assessment of the affordability of leisure services was difficult at the current time, as the service had not be open for a large portion of the year, due to COVID-19 lockdowns. The services were now open, but on a limited basis. Positive feedback had, however, been received in relation to opening the Lido in October 2020.

In past years the Council had provided Vivacity with a £2 million subsidy to support leisure services and work was being done on whether this would affordable going forward. It was further noted that leisure services and 3rd party contractors across the country were struggling in the current climate.

A successful bid for £500,000 had been placed as services reopened in January/February 2021. It was further advised that it was intended to retain leisure services in-house for 3 years in order for the service to return to normality.

The Shareholder Cabinet Committee debated the report and in summary, key points raised and responses to questions included:

- The momentum to host outside classes was still present, and formed part of the Active Lifestyles and Sports Strategy, however officers were in the process of establishing where this could take place.
- Further work was being completed on five additional outdoor table tennis tables in the next few weeks.
- It was noted that outdoor classes had been run and had proven popular, however interest had decreased in light of indoor classes resuming.
- The service was currently working on implementing a new IT system, which would provide more flexibility to host lessons outdoors.
- Work was still ongoing in relation to the active lifestyles programme, but was progress at a slower rate in order to bring the programme in line with the Sports England 10 Year Strategy, which was to be finalised within the next week.
- It was noted that a number of queries had been raised with Members about the maintenance of children's play areas, and it was advised that the Council was currently in the middle of an upgrading programme of around 56 playgrounds.
- It was further noted that work was being done to establish outdoor spaces for activities. It would depend on the activity taking place as to whether any provider would require a licence.
- Consideration was given to whether further sites should be provided for older children and teenagers, and officers confirmed that this was part of the Parks Accelerator programme, with the introduction of a parkour park being considered.
- Comment was made that further communication to the public about sites being open and how to make bookings would be beneficial.

The Shareholder Cabinet Committee considered the report and **RESOLVED** to note:

1. Peterborough Limited's performance in the initial part of the contract (since 1st October 2020);
2. The proposal to extend leisure services provided by Peterborough Limited for three additional years to September 2024, to get through the COVID-19 situation and ensure there are viable options to compete against at that time;
3. The required ongoing client arrangements for the contract; and
4. The makeup of the financial remuneration package for Peterborough Limited.

REASONS FOR THE DECISION

The ensured that the services were stabilised in the medium term, with information collected in that period ensuring that the Council made the right decision for the long-term delivery of the service

ALTERNATIVE OPTIONS CONSIDERED

There were three other options that were considered:

- Giving parts of the service to other providers to run;
- Letting 3rd Parties deliver the Sports service (Charitable and Commercial);
- Setting up another Trust to deliver the services.

At the present time, with the condition of the market these were not thought to be deliverable in the medium term.

A full in house transfer was considered but bringing services into a PCC owned entity gave the services the flexibility to work towards an independent future in the long term and gave them the ability to access funding that may not have been available to the Council itself.

5. Shareholder Cabinet Committee Work Programme

The Shareholder Cabinet Committee received the Shareholder Cabinet Committee work programme for the 2021/2022 municipal year.

The Shareholder Cabinet Committee considered the report and **RESOLVED** to note the latest version of the work programme, subject to the following changes:

- To amend 'City of Culture' to 'City Culture'
- To defer the 'NPS Update' to November

The Shareholder Cabinet Committee further requested that a briefing note be circulate to all Members prior to the meeting in September in relation to communications from the Council's partner organisations.

Chairman
10:00am – 10:24am
14 June 2021

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**MINUTES OF THE CABINET MEETING
HELD AT 10:00AM, ON
MONDAY 12 JULY 2021
SAND MARTIN HOUSE, PETERBOROUGH**

Cabinet Members Present: Councillor Fitzgerald (Chair), Councillor Steve Allen, Councillor Ayres, Councillor Cereste, Councillor Coles, Councillor Hiller, Councillor Simons, Councillor Walsh,

Cabinet Advisor Present: Councillor Bisby, Councillor Howard

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bashir and Councillor Gul Nawaz.

10. DECLARATIONS OF INTEREST

There were no declarations of interest received.

11. MINUTES OF MEETINGS HELD ON 21 JUNE 2021

The minutes of the Cabinet meeting held on 21 June 2021 were agreed as a true and accurate record.

12. PETITIONS PRESENTED TO CABINET

There were no petitions presented to Cabinet.

STRATEGIC DECISIONS

13. CAMBRIDGESHIRE AND PETERBOROUGH MINERALS AND WASTE LOCAL PLAN DOCUMENT (VERSION FOR ADOPTION)

The Cabinet received a report in relation to the Cambridgeshire and Peterborough Minerals and Waste Local Plan document.

The purpose of this report was to set out the recommendations made by the independent Inspector and, subsequently, seek Cabinet's approval to recommend the Minerals and Waste Local Plan to Council for adoption.

The Cabinet Member for Strategic Planning and Commercial Strategy and Investments introduced the report and advised that Cabinet had previously approved the version of the document that had been used for public consultation. The plan document had undergone examination by an inspector. The plan was a joint plan with Cambridgeshire County Council, who would also need to agree to adopt it. The plan covered issues such as using the correct materials, sustainable waste and conversion into wildlife sites.

Cabinet Members debated the report and in summary responses to questions raised included:

- The modifications suggested by the inspector were minimal and relatively minor, mostly around clarity rather than substance.
- It was noted that the plan would assist the Council in reaching its climate and biodiversity goals.
- If Cambridgeshire County Council did not agree to adopt the plan, Peterborough City Council would not be able to adopt it either, though it was not anticipated that this would happen.
- National planning reforms were anticipated in the autumn, though there was little information on the detail of these at the moment. Officer expected transitional arrangements to be brought in to allow for the plan to continue for a number of years before any new plan would be required under a new system.
- It was noted that the maintenance of any wildlife sites resulting from mineral extraction should not fall on the Council, but should form part of a long term arrangement with developers for 20 or 30 years.
- It was further commented that not all extraction sites were converted into wildlife sites. Returning the land to farmland was also an option.

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

1. Note the conclusions of the independent Inspector who was appointed to examine the submitted Cambridgeshire and Peterborough Minerals and Waste Local Plan (see Appendix A);
2. Subject to recommendation 6, recommend to Council the adoption of the Cambridgeshire and Peterborough Minerals and Waste Local Plan as set out in Appendix B, which incorporates modifications as recommended by the Inspector (Inspector 'Main Modifications' as found at the end of Appendix A) and other minor editorial modifications ('Additional Modifications' – see Appendix C);
3. Note that should Council adopt the Minerals and Waste Local Plan, the following council documents are revoked and must no longer be used for decision making:
 - Minerals and Waste Core Strategy (2011)
 - Minerals and Waste Site Specific Proposals (2012)
4. Subject to recommendation 2, recommend that Council endorses that the Peterborough 'Policies Map' be updated in accordance with Appendix D;
5. Subject to recommendation 2, agree to revoke the following two Supplementary Planning Documents (SPDs) for decision making in Peterborough, but with such revocation only taking effect from the same date that the new Minerals and Waste Local Plan is adopted:
 - Location and Design of Waste Management Facilities Supplementary Planning Document (2011)
 - RECAP Waste Management Design Guide Supplementary Planning Document (2012)
6. Recommend to Council that recommendation 2 only comes into effect if Cambridgeshire County Council has already agreed to adopt the Local Plan (which it is scheduled to do so on 20 July 2021); or, if that agreement is not yet achieved by Cambridgeshire County Council, recommendation 2 comes into effect from the date that Cambridgeshire County Council does agree to adopt the Plan. If Cambridgeshire County Council agree not to adopt the Plan, then recommendations 2-5 become null and void.

7. Delegate to the Head of Sustainable Growth Strategy, in consultation with colleagues at Cambridgeshire County Council, to make any minor presentational or typographical errors to the documents referred in this item, prior to their publication

REASONS FOR THE DECISION

As outlined in the report, Council only had two substantive options available to it; either adopt the document with the modifications (and any additional very minor corrections if any arise, such as any typographical amendments) or not adopt the document. The former was recommended, as it was a statutory duty to prepare a Minerals and Waste Local Plan, and, in adopting it, Peterborough would have a clear and robust policy document in relation to minerals and waste developments.

ALTERNATIVE OPTIONS CONSIDERED

The option of not adopting the Minerals and Waste Local Plan is not recommended, as it would result in Peterborough not having up to date policy for planners and minerals and waste operators to use to guide and inform developments. A lack of up to date policy would leave Peterborough vulnerable to speculative developments that may not be in preferred, most sustainable or suitable locations, and could lead to greater challenges at appeal.

14. MAKING OF GLINTON NEIGHBOURHOOD DEVELOPMENT PLAN AND BARNACK NEIGHBOURHOOD DEVELOPMENT PLAN FOLLOWING SUCCESSFUL REFERENDUM OUTCOMES

The Cabinet received a report in relation to the making of Neighbourhood Development Plans for Glinton and for Barnack, following successful referendum results.

The purpose of this report was to seek Cabinet approval to recommend that Council 'made' (adopted) both the Glinton Neighbourhood Plan and the Barnack Neighbourhood Plan and thereby made both plans part of the Development Plan for Peterborough.

The Cabinet Member for Strategic Planning and Commercial Strategy and Investments introduced the report and congratulated those who had worked on the plans. Both Glinton and Barnack parish council's had received endorsement of the plans by residents with successful referendum results. Extensive consultation had been undertaken on the contents of the plans, with the assistance of Council officers.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that while the Local Development plan set the policies for the whole planning area, a neighbourhood development plan focused on a specific neighbourhood. When considering planning applications, the decision maker must give both the same weight.
- Such plans allowed planning decisions to be made with a greater confidence that approved developments are in line with what residents want.
- Members noted that there was a framework which neighbourhood plans had to adhere to, but this was generally quite flexible. Neighbourhood plans, however, could not undermine the Local Plan.

- Non-parished areas could create a neighbourhood plan, however, would first be required to form an appropriate neighbourhood forum.
- It was noted that national planning reform may affect the neighbourhood plan preparation process, however the current white paper was clear that neighbourhood plans as a whole would remain.

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

1. Note the outcome of the Referendum on the Glington Neighbourhood Plan, which took place on 6 May 2021: the outcome being 466 votes in favour of the Glington Neighbourhood Plan, versus 62 votes against the Neighbourhood Plan.
2. Recommend to Full Council that the Glington Neighbourhood Plan, as set out at Appendix A, be 'made' (which means to all intents and purposes 'adopted') and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within the Glington Neighbourhood Area (the Glington Neighbourhood Area is the same area as Glington Parish).
3. Notes the outcome of the Referendum on the Barnack Neighbourhood Plan, which took place on 1 July 2021: the outcome being 175 votes in favour of the Barnack Neighbourhood Plan, versus 20 votes against the Neighbourhood Plan.
4. Recommend to Full Council that the Barnack Neighbourhood Plan, as set out at Appendix B, be 'made' (which means to all intents and purposes 'adopted') and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within the Barnack Neighbourhood Area (the Barnack Neighbourhood Area is the same area as Barnack Parish minus the part of Burghley Park that falls within the parish).

REASONS FOR THE DECISION

The recommendations were in accordance with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (as amended). The Plans had been assessed by an independent examiner and officers agreed that the plans both met the basic conditions and other requirements of legislation. The Plans had subsequently passed a referendum. As such, the Plans should be 'made' part of the Development Plan.

ALTERNATIVE OPTIONS CONSIDERED

There were no known alternative options for the Council to consider, given the content of the legislation, the content of the Glington Neighbourhood Plan and the Barnack Neighbourhood Plan and the process followed in their production. The alternative of not 'making' (adopting) the Plans would only be taken if a legal process failure had been identified. Amending the content of the Plans was not a legal possibility at this stage.

15. CYCLING AND WALKING MEMBER WORKING GROUP RECOMMENDATIONS

The Cabinet received a report from the Cycling and Walking Member Working Group.

The purpose of this report was to present to Cabinet the recommendations of the Cycling and Walking Member Working Group for their consideration.

The Transport and Environment Manager introduced the report.

Cabinet Members debated the report and in summary responses to questions raised included:

- The working group was currently focusing on the drafting of the Walking and Cycling Infrastructure Plan, which would provide a plan for where future investment should be implemented.
- This plan was backed by central government, and would focus on urban areas and commuter routes, however, rural areas would be considered in the second wave of proposals.
- The implementation of the plan would depend on whether a funding bid was successful, but officers anticipated work to continue for a future month, prior to internal review and the public consultation.
- Members considered the Thorpe Wood cycleway project, and noted that this was one of the scheme reviewed by the group, connecting to the business park, Ferry Meadows and the Brettons.
- In relation to the school streets project, Members were advised that there were currently 11 initiatives in the city. It was intended to continue to progress these schemes and make them permanent.
- It was noted that congestions concerns on Crescent Bridge were one of the key risks of the proposal.
- Members recognised the need to encourage walking and cycling, noted that this motivated all the schemes considered by the group and would be integral to future plans in development.
- It was considered that an alternative scheme should be supported, as there was no unanimous support for the Crescent Bridge suggestion.
- It was felt that cycle routes into the City should be focused on more.
- Members felt that the Thorpe Wood project was the more appropriate project to progress.
- It was further suggested that the membership of the working group should be amended to reflect the political proportionality of the Council.

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

1. Select the Thorpe Wood on-road cycleway project for implementation, to widen the road and to create a bi-directional cycle lane from the footbridge to the business park.
2. Continue with the School Streets programme where it was safe and appropriate to implement.
3. Establish a new permanent Cycling and Walking Member Working Group and approve the draft terms of reference (Appendix 1), subject to the amendment of paragraph 7 to read:

"Five Member representatives, or another number as determined by the Leader of the Council, are invited to sit on the Working Group. The political balance of the working group will be reflective of the political proportionality of the Council. Substitutes are permitted. The Chair of the Working Group will be agreed at the first meeting of the group. Appropriate officers will attend meetings of the Working Group."

REASONS FOR THE DECISION

The recommendations had come from the Cycling and Walking Member Working Group. This Group was setup by Cabinet to recommend options for spending tranche 2 of the Government's Active Travel Fund.

ALTERNATIVE OPTIONS CONSIDERED

A number of alternative options were considered by the Working Group (that met the funding requirements that any scheme must re-allocate road space), and after reviewing the options Crescent Bridge and the school streets programme were selected by the Work Group as the schemes to recommend to Cabinet.

16. UPDATE TO CLIMATE CHANGE WORKING GROUP'S TERMS OF REFERENCE

The Cabinet received a report from the Climate Change Working Group in relation to its terms of reference.

The purpose of this report was to recommend and update to the working group's terms of reference regarding meetings held in public.

The Cabinet Member for Waste, Street Scene and the Environment introduced the report and advised that the group had been doing important work and requested some minor edits to its terms of reference, none of which impacted its work.

Cabinet Members debated the report and in summary responses to questions raised included:

- It was noted that the working group had an evidence planning session scheduled on 15 July 2021, with speakers invited to provide evidence, including from the Forestry Commission.
- The working group had been considering all aspects of the Council's response to climate change, in relation to the Council state and across the city.
- Members suggested the memberships of the group should be politically proportional.

Cabinet considered the report and **RESOLVED** to approve the updated terms of reference for the climate change working group (Appendix 1 to the report), subject to the amendment of paragraph 8 to read:

"Five Member representatives, or another number as determined by the Leader of the Council, are invited to sit on the Working Group. The political balance of the working group will be reflective of the political proportionality of the Council. Substitutes are permitted. The Chair of the Working Group will be agreed at the first meeting of the group. Appropriate officers will attend meetings of the Working Group."

REASONS FOR THE DECISION

In March 2021, Council voted to require evidence gathering sessions of working group meetings to be held in public, unless the subject matter was sensitive in nature. The climate change working group agreed that its terms of reference should reflect this. The revised terms of reference also included minor changes to the wording elsewhere.

ALTERNATIVE OPTIONS CONSIDERED

Not altering the terms of reference was considered, but it was deemed necessary to update the document to reflect the recent requirement to hold evidence gathering sessions in public.

MONITORING ITEMS

17. BUDGET CONTROL REPORT MAY 2021

The Cabinet received a report in relation to the budget control report for May 2021.

The purpose of this report was to provide Cabinet with the forecast outturn for 2021/22 as at the May 2021 budgetary control position.

The Cabinet Member for Finance introduced the report and advised that at the current time there was a £3.7 million overspend predicted. This had increased mainly due to the pooling of business rates. It was advised that there would be a delay in service demand resulting from COVID-19 issues. The Government continued to support COVID-19 expenditure in various forms, including welcome back funding and winter grant schemes. It was noted that paragraph 9.13 should refer to 2020/21, not 2021/2022.

Cabinet Members debated the report and in summary responses to questions raised included:

- It was noted that demand levels were estimates, with actual demand to be understood once the 'new normal' had been established.
- Members were advised that all funding from the MHCLG had been used to balance the budget.
- In relation to the capital budget, officers were currently reallocating and reprioritising, but were constrained by resources available in the area.
- It was difficult to assess the deficit position for the 2022/2023 financial year, as this would depend on how the Council recovered from COVID-19 and ongoing demand.
- It was noted that 40% of business had had business rates relief, and there was continued uncertainty in this area. This was anticipated to be a bigger issue going forward with the fairer funding review.

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

1. The budgetary control position for 2021/22 at 31 May 2021 is a forecast overspend of £3.701m against budget.
2. The additional funding, costs, and activity associated with the Covid-19 (C-19) pandemic, as outlined in section 4.
3. The key variance analysis and explanations are contained in Appendix A.

REASONS FOR THE DECISION

To provide Cabinet with the forecast for 2021/22 as at May 2021 budgetary control position.

ALTERNATIVE OPTIONS CONSIDERED

None provided.

Chairman
10.00am to 11.15am
12 July 2021

**MINUTES OF THE BUDGET CABINET MEETING
HELD AT 10:00AM, ON
MONDAY 25 OCTOBER 2021
SAND MARTIN HOUSE, PETERBOROUGH**

Cabinet Members Present: Councillor Fitzgerald (Chair), Councillor Steve Allen, Councillor Coles, Councillor Hiller, Councillor Simons, Councillor Walsh

Cabinet Advisor Present: Councillor Bashir, Councillor Bisby, Councillor Howard

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cereste, Councillor Gul Nawaz and Councillor Ayres.

19. DECLARATIONS OF INTEREST

There were no declarations of interest received.

20. PETITIONS PRESENTED TO CABINET

There were no petitions presented to Cabinet.

STRATEGIC DECISIONS

21. UNIVERSITY FUNDING AND FINANCE INTERIM UPDATE

The Cabinet received a report in relation to the funding for the Peterborough University project, and an interim finance update.

The purpose of this report was to provide an update on the university project and built upon previous decision making, particularly Cabinet approval in September 2020 for the formation of a special venture vehicle between partners and, a March 2020 CMDN authorising (in principle) the transfer of land and to enter the required legal agreements.

The Cabinet Member for Strategic Planning and Commercial Strategy and Investments introduced the report and advised that, if the recommendations were approved by Cabinet, the new car park could be built by December 2022, though grant and capital funding. This would be an interim arrangement for approximately five years, with an outline planning application being drawn up for later phases, to include a car parking strategy.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that the recommendations regularised the work happening with the university, and what would be happening in the next few months.

- It was noted that phase 1 and 2 of the development would be delivered in September 2022, with the car park to be delivered within the year in December 2022.
- Members were advised that during the submission of outline planning permission for later phases, it was determined that the Regional Pool site would be more suited to a university building than a car park.
- Peterborough Limited had been and would continue to be engaged through the process.
- Members considered that a successful university would require and attract growth in the embankment area, and sustainable travel and parking would need to be provided.
- It was further noted that access to the pool entrance from the car park would include a new footpath with lighting and security, and would contribute to the reduction of anti-social behaviour.

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

- 1) Authorise the Council to enter the Getting Building Fund (GBF) Grant agreement with the Cambridgeshire and Peterborough Combined Authority (CPCA) to provide a new surface car park supporting regional pool customers and free up spaces for university use as set out at paragraph 4.18
- 2) Recommend to Council, the re-allocation of the capital programme budget for University Access / Slip Roads to deliver the car park by December 2022, utilising Getting Building Funding Grant, and £500k of council match funding
- 3) Delegate authority to the Corporate Director Resources and the Director of Law & Governance and Monitoring Officer to negotiate and agree commercial terms with Peterborough Limited and PropCo 2 to lease spaces on PCC's regional pool car park;
- 4) Approve the development of an Her Majesty's Treasury (HMT) 5 case business case for development of Phase 3 of the university for subsequent consideration by Cabinet
- 5) Approve the instruction of a red book valuation for land at Bishop's Road for university Phase 3.

In the event of a successful Levelling Up Fund (LUF) bid for university Phase 3, delegate authority to the Executive Director for Place and Economy and the Corporate Director Resources to;

- 6) Approve the business case set out at recommendation 5 capping PCC capital contribution to the project at £20m in line with the bid submitted to MHCLG 3
- 7) Note the governance arrangements proposed to govern the build of university Phase 3 as set out at Appendix 3
- 8) Enter into the Levelling Up Fund grant agreement with MHCLG
- 9) Approve the development of a Subscription Agreement between the Combined Authority and Peterborough City Council for the capital investment into the development of Phase 3 and the land required and delegate to the Executive Director of Place and Economy and Corporate Director Resources, in consultation with Cabinet Member for Strategic Planning, Commercial Strategy and Investments and the Cabinet Member for Children's Services, Education, Skills and the University authority to negotiate and complete the Subscription Agreement;
- 10) Approve the commitment to invest the £20M capital grant into the Phase 3 build and draw down the funding to mobilise the activities and milestones identified

within the Business Case to achieve the completion of university Phase 3 teaching building by end March 2024.

- 11) Approve transfer of a single further phase of land for university Phase 3 subject to relevant shares being allocated in favour of PCC in PropCo, planning permission, final independent red book land valuation and, adhering to all other legal and other necessary statutory obligations and consents as required.
- 12) To put a motion to the Board of Prop Co to increase the number of PCC directors and in so doing increase the degree of control of the company
- 13) Subject to recommendation 12, approve the nomination of Emma Gee, Assistant Director Growth and Regeneration, as an additional director on PropCo Board to reflect PCC increased shareholding in PropCo 1.

REASONS FOR THE DECISION

This cabinet paper built upon previous university programme decision making including a March 2020 CMDN, September 2020 cabinet paper and a June 2021 CMDN. Given its ongoing development ambitions, the university programme would be the subject of further governance and decision-making papers as it developed and achieved its vision for the city in the coming years.

ALTERNATIVE OPTIONS CONSIDERED

The Council could choose not to accept the grant funding for the car park which in turn would allow the university to satisfactorily discharge planning conditions thereby not permitting occupation of the building. This would bring reputational, political and financial risk to the university programme, partners CPCA, ARU and council directly (as landowner and planning authority). Given this, the option to do nothing was discounted at the outset.

The Council could not accept LUF funding for Phase 3 of the university denying £20m investment into the city as well as partner match funding of £6m. This would mean the university would be limited to a single teaching and R&D building stunting its growth and its ability to reach critical mass and attract students.

In respect of transferring the funding to PropCo 1 to deliver the university, PCC could accept the grant and choose instead to contract and deliver the building. This would not utilise the track record and capacity offered by the current delivery route which is successfully delivering against phases 1 and 2.

22. MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2024/25 - PHASE ONE

The Cabinet received a report in relation to the Medium Term Financial Strategy 2022/23 to 2024/25 Phase One.

The purpose of this report was to form part of the Council's formal Budget and Policy Framework. This required Cabinet to initiate and make proposals and update assumptions to set a balanced budget for the financial years 2022/23 - 2024/25.

The Cabinet Member for Finance introduced the report and advised that the Consultation would close at the end of November 2021, to be presented to Council in December 2021. The Council had a budget gap of £26.8 million, with £9 million worth of savings identified in the phase 1 outline plans. It was considered that challenging decisions would need to be taken, with proposals being developed through the working group, including the sale of assets, the reduction of the capital programme, a review of expenditure, and a review of the Council's contracts.

The Cabinet Member further advised that the capitulation direction received from Government had been reduced, as the Council was now in a break even position. The Council had still been able to transform and deliver services, even as core funding had been reduced. Peterborough City Council was below the average unitary authority in terms of spending power. It was advised that if the Council was unable to deliver a sustainable budget, then Government intervention would be likely in early 2022.

The Cabinet Member highlighted the work undertaken to improve the Capital Programme position, drew Cabinet's attention to the Section 151 Officer's Robustness Statement, and emphasised the importance of the Council maintaining control of its own destiny.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that initial conversations with Government had been picked up through the phase 1 budget proposals, with a significant work to move to sustainability.
- It was noted that Government's Autumn Budget Statement was expected on Wednesday 27 October 2021, though the full detail would not be available until December.
- In relation to tax collection, Members were advised that return rates were marginally above target. The key issue anticipated was the number of individuals moving on to Council Tax support.
- Business rate collection was below target, mainly due to delays in payment from the hospitality and leisure sector.
- Members noted that the pressures in phase 2 would be related to adult social care cost and demand, costs in children's social care, culture and leisure costs, parking, COVID restricted services and housing demand.
- It was advised that £10.5million of COVID-19 reserves could be used to reduce the level of capitalisation direction funding required from Government.
- Members considered that steps were being taken towards a sustainable budget, however, there were still millions of pounds to save. It was considered to be vital that the Council remain in control of its own finances, without intervention required from Government.

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

1. The Phase One budget proposals as outlined in Appendix B as the basis for public consultation.
2. The updated budget assumptions, to be incorporated within the Medium-Term Financial Strategy 2022/23 – 2024/25. These are outlined in sections 5.
3. The revised capital programme outlined in section 5 and referencing Appendix C.
4. The Medium-Term Financial Strategy 2022/23 to 2024/25 - Phase One, as set out in the body of the report and the following appendices:
 - Appendix A – 2022/23-2024/25 MTFs Detailed Budget Position Phase One
 - Appendix B – Phase One Budget Consultation Document
 - Appendix C – Capital Programme Schemes 2022/23-2024/25
 - Appendix D – Financial Risk Register
 - Appendix E – Equality Impact Assessments
 - Appendix F – Carbon Impact Assessments

Cabinet **RESOLVED** to note:

5. The strategic financial approach taken by the Council outlined in section 4 of this report.
6. The forecast reserves position, and the provisional statutory advice of the Chief Finance Officer outlined in section 6, The Robustness Statement for Phase One.

REASONS FOR THE DECISION

The Council must set a lawful and balanced budget. The approach outlined in the report worked towards this requirement.

ALTERNATIVE OPTIONS CONSIDERED

No alternative option had been considered as the Cabinet was responsible under the constitution for initiating budget proposals and the Council was statutorily obliged to set a lawful and balanced budget by 11 March annually.

MONITORING ITEMS

23. BUDGET CONTROL REPORT AUGUST 2021

The Cabinet received a report in relation to the budget control report for August 2021.

The purpose of this report was to provide Cabinet with the forecast outturn for 2021/22 as at the August 2021 budgetary control position.

The Cabinet Member for Finance introduced the report and advised that the overall budget position at August 2021 was break even. Departmentally there was a predicted underspend of £3.8million. There were a number of variances to note, as set out in the report.

Cabinet Members debated the report and in summary responses to questions raised included:

- Members were advised that work continued to be carried out to ensure that the Capital Programme was at a deliverable level, over a period of 3 to 4 years.
- Peterborough was an area of high growth, with part of the process of budget control being reprioritisation and linking objectives.
- Officers were looking at how the work of the council was being delivered, as this had significantly changed in the past 22 months.

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

1. The budgetary control position for 2021/22 at 31 August 2021 is a forecast breakeven position.
2. The key variance analysis and explanations are contained in Appendix A.
3. The Council's performance with respect to Business Rates(NNDR) and Council Tax Collection, as outlined within section 6.
4. The Council's reserves position, as outlined within Appendix B.
5. The Council's Capital performance as outlined in Appendix C.

Cabinet **RESOLVED** to approve:

6. Capital Budget virements as outlined in Appendix C, these include:

- a. £0.034m - Westcombe Engineering Machinery Investment (Funded by Invest to Save)
- b. £0.178m - Capital Funding to build Mausoleum at Fletton and Eastfield Cemeteries(Funded by Invest to Save)

Cabinet **RESOLVED** to recommend to Council for approval:

7. Capital Budget Virements as outlined in Appendix C, these include:
 - a. £1.577m - Clare Lodge Refurbishment and Safety works (Third Party Funding)
 - b. £1.500m - Contribution to the Highways Agency for the A14 improvement scheme, the payment to take place as equal payments of £60k a year for 25 years from 2020/21 (Funded from Community Infrastructure Levy)
8. Revenue budget virement, in respect of the revised use of the Capitalisation Direction as outlined in section 5.5.

REASONS FOR THE DECISION

To ensure that Cabinet are up to date on the forecast outturn for 2021/22 as at the August 2021 budgetary control position.

ALTERNATIVE OPTIONS CONSIDERED

No alternative options were considered.

Chairman
10.00am to 10.35am
25 October 2021

CABINET	AGENDA ITEM No. 5
15 NOVEMBER 2021	PUBLIC REPORT

Report of:	Steve Cox, Executive Director Place and Economy	
Cabinet Member(s) responsible:	Cllr Peter Hiller	
Contact Officer(s):	Richard Kay (richard.kay@peterborough.gov.uk) Emma Naylor (emma.naylor@peterborough.gov.uk)	Tel. 07920160249 Tel. 01733 863881 (working days are Tue, Wed and Fri)

STATEMENT OF COMMUNITY INVOLVEMENT REVIEW AND UPDATE

RECOMMENDATIONS	
FROM: Steve Cox, Director of Place and Economy	Deadline date: Cabinet meeting, 15 November 2021
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> Approve the updated Statement of Community Involvement (SCI) for formal adoption. 	

1. ORIGIN OF REPORT

- This report has been prepared by the Sustainable Growth Strategy Team and approved by Director Steve Cox, as part of the formal process towards adopting an updated Statement of Community Involvement (SCI). A draft of the updated SCI was presented at Planning and Environment (PEP) Committee meeting on 19 October 2021 and is now presented to Cabinet for formal adoption.

2. PURPOSE AND REASON FOR REPORT

- It is a legal requirement for the council to both have an SCI (2004 Act) and to update it at least once every five years (2004 Act and 2017 Regulations). Further details on these legal requirements are set out in the report. It is also good practice to regularly monitor and keep up to date an SCI, to ensure it remains effective.
- This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, *'To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.'*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	Statutory Plan	If yes, date for Cabinet meeting	15 November 2021
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4. BACKGROUND AND KEY ISSUES

- 4.1 The Planning and Compulsory Purchase Act 2004 (2004 Act) requires that local planning authorities prepare a Statement of Community Involvement (see section 18 (1)).
- 4.2 The 2004 Act defines a statement of community involvement as ‘*a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions*’ under defined sections of the 2004 Act and the Town and Country Planning Act 1990 (Section 18(2)). Put more simply, an SCI sets out how a local planning authority (Peterborough City Council in this case) will consult the public on planning matters, both in terms of policy making and development management, and how the local planning authority will assist any neighbourhood planning body in its area (which in the vast majority of instances is a parish council preparing a Neighbourhood Plan).
- 4.3 The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) requires each local planning authority to review their SCI every 5 years, as a minimum (Regulation 10A(b)).
- 4.4 A key element to note is that whatever commitments are made in an SCI (i.e. the level of consultation or assistance the council will undertake), then we must legally meet such commitments. Commitments must therefore be realistic and affordable.
- 4.5 Peterborough City Council adopted its current SCI on 16 July 2018. Whilst legally we still have over a year before we must adopt a new version, officers believe adopting an update now is worthwhile to address a few limited, but important, issues and in order to ensure our consultation and support commitments are:
- effective and reasonable
 - affordable
 - take opportunities to reduce PCC’s carbon emissions (‘carbon footprint’)
- 4.6 On the whole, the updated SCI is based on the 2018 version, with some adjustments made. It is not a fundamental re-write of commitments.
- 4.7 The SCI sets a minimum level of consultation and support that will be undertaken by the council in relation to planning applications, local planning documents and neighbourhood plans. However, this is not a cap or ceiling – the council may go above and beyond this, where:
- exceptional circumstances exist; or
 - extra consultation would provide notable benefit and can be delivered without incurring major cost, in terms of both financial costs and staff resourcing, to the council.
- 4.8 It is fair to say that many of the commitments are in fact set as a floor, in that we could not reduce them further because other Acts or Regulations stipulate a basic minimum level of consultation and support i.e. the SCI has no power to do less than what an Act or Regulation requires.
- 4.9 As stated above, the commitments set out in the SCI are binding on the council; the council cannot do anything less than what is set out in the SCI in relation to consulting on a planning application, local plan or neighbourhood plan in question. If Cabinet wish to see the SCI commit to greater consultation or support, then Cabinet could do so, but it must be mindful of the resources required to meet those commitments. An SCI is not the place to state service levels the council aspires to; it is, instead, the place to state the minimum service it will provide.

4.10 The recommended revised SCI is largely the same as the current SCI, and is attached at Appendix 1 with track changes identifying the changes. The main modifications proposed are, in summary:

1. Removal of the option to submit comments on planning applications via fax (the council no longer has the technology to support this).
2. Changes to and clarification on how PCC will consult on amended planning applications (page 4).
3. In relation to the assistance PCC can provide to neighbourhood planning groups when they draft their neighbourhood plan, this has been amended from ‘...may be capped at four officer working days...’ to ‘...may be limited depending on staff resources at the time of enquiry...’ (page 15). The reason for this change is that it is hard to monitor staff time spent at this stage, and input from PCC staff at this stage can be valuable and prevent problems arising at a later stage, so in some instances it may be appropriate to exceed 4 days of staff time, because in the longer run this will save council time and resource. It is important to emphasise, however, that staff input may be limited depending on staff resource: resources may be limited if the team are committed to other significant projects or have deadline commitments. In such instances, the neighbourhood planning group could proceed without PCC advice / with minimal PCC advice, or wait until staff have the capacity to provide a more detailed response to queries.
4. The number of hard copies of a draft neighbourhood plan PCC will print at the ‘regulation 14’ consultation stage is reduced from 20 copies to 5 (page 15). The reasons for this are to reduce printing and thus carbon emissions and printing costs. It is worth noting that no parish council to date has requested the current 20 copy limit.
5. Removal of the 4 working days cap previously placed on council officer assistance to neighbourhood planning groups following the ‘regulation 14’ consultation’ (page 18) (due to reasons outlined at ‘3’ above).
6. Removal of commitment to place a hard copy of a neighbourhood plan at a ‘parish council location’ during regulation 16 consultation (page 18). Some parish councils do not have a suitable location, and some locations are not widely accessible, or open to the public regularly. Removing this commitment from the SCI does not mean that the council cannot place hard copies at parish council locations (the council can go above the commitments set out in the SCI), but it removes the challenge of finding a suitable location where there are limited or no options.
7. Removal of commitment to ‘consider helping with any additional minor costs, such as printing posters or leaflets’ (page 18): this is removed in light of the council’s current financial challenges, in order to reduce printing costs and reduce staff costs associated with resourcing such commitment. Furthermore, the council has not had any such requests recently, so removing this is not likely to be of much, if any, impact; and, on an exceptional basis we could still provide such service if it was clear a Neighbourhood Planning body were in need of such help and had no other means of achieving it.
8. The number of hard copies of a referendum version of a neighbourhood plan the council will print is reduced from 20 copies to 10 (page 19). The reasoning for this is as per point ‘4’ above: the figure is 10 as opposed to 5 given the significance of the referendum stage.

Overall, we think these updates are fair and reasonable, and have limited (if any) impact on our customers (whether that be the general public, wider consultees or parish councils / neighbourhood planning bodies).

4.11 At its meeting on 19 October 2021, PEP Committee endorsed the updated SCI, making only two minor suggestions for amendments. The suggested amendments were:

- 1) that reference to 'district councillor' should be corrected to 'ward councillor' (last paragraph, page 4 of the 'tracked changes' draft of the SCI)
- 2) That the text relating to initial neighbourhood planning meetings (page 15 of 'tracked changes' SCI) should also reference the option of virtual meetings.

Officers agree with these suggestions and have incorporated them into the SCI presented at Appendix 1.

5. CONSULTATION

5.1 The SCI update has been produced following liaison with the Development Management team who deal with planning applications on a daily basis. Colleagues with the Housing and Strategic Planning Team (whom are responsible for plan making and assisting on neighbourhood planning) have reviewed the document as a whole. As referred above PEP Committee have also been consulted. There has been no external consultation, and there is no legal requirement to do so.

5.2 Public consultation on a draft updated SCI could be undertaken, but this would take time and resource, and the expectation of very little, if any, contributions received (it is worth noting that historically (around 10 years or so ago) the council did consult on draft SCIs, but received nil, or very inconsequential, comments).

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 It is anticipated Cabinet will adopt the revised SCI.

The updated SCI will dictate how, as a minimum, the council will consult on planning applications, local plans, and neighbourhood plans.

7. REASON FOR THE RECOMMENDATION

7.1 PCC are required, by regulations, to review their SCI every 5 years. With the current SCI around 3.5 years old, and a few elements of it in need of updating, it is timely to adopt a refreshed SCI.

Adoption of the SCI will ensure PCC continues to satisfy the regulations regarding SCIs, and continue to offer a sustainable planning consultation and support services to all our customers.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 The alternative option considered was to not review the SCI at this time, and instead wait until late 2022 / early 2023 to commence the review, yet remain within the 5 year timeframe required by the 2004 Act.

This option was discounted for a number of reasons:

- At present, PCC is not preparing a Local Plan for Peterborough, therefore the team had some limited capacity to commence the SCI review at this time.
- There is opportunity to make some limited cost savings, which is important considering the council's current financial situation.
- There is opportunity to make some carbon savings, which is important given the council's climate emergency declaration.
- Some minor elements of the SCI are currently unable to be implemented (eg fax service) so valuable to remove such commitments as soon as possible.

No other alternative options were considered.

9. IMPLICATIONS

Financial Implications

- 9.1 There is no direct financial implications arising, other than potential very small cash savings arising from the slightly lower commitments set out in the SCI. No changes are proposed which increase our commitments / costs.

There are of course financial implications arising as planning applications are received by the council, when the council prepares a new Local Plan, and when neighbourhood plans reach the various stages of the formal neighbourhood planning process. However such costs are factored into the budgets of fulfilling those tasks, and this SCI is not increasing any such financial burden.

Legal Implications

- 9.2 This review and subsequent update of the SCI means that PCC is in accordance with section 18(1) of the Planning and Compulsory Purchase Act 2004, which requires that local planning authorities prepare a statement of community involvement.

It also ensures compliance with regulation 10A(b) of The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) which requires each local planning authority to review their SCI every 5 years, from the date of adoption.

Once adopted, the council must follow through on its commitments within the SCI.

Equalities Implications

- 9.3 There are no specific equalities implications.

Rural Implications

- 9.4 No direct rural implications: the requirements set out in the SCI apply to the whole Peterborough unitary authority area. The SCI does not set out specific consultation commitments for rural areas.

Carbon Impact Assessment

- 9.5 The adoption of the revised Statement of Community Involvement is likely to have mostly neutral impacts in relation to the climate and carbon emissions.

There is potential for positive impact in relation to carbon emissions from reduced printing commitments in terms of neighbourhood plans, however the impact is uncertain due to several variables being unknown at this stage and in any event is likely to be minor.

There is also potential for negative carbon impacts due to potential increased travel owing to the new requirement to display amended site notices in the case of amended planning applications: again, the impact is likely to be minor, and is uncertain.

10. BACKGROUND DOCUMENTS

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

- 10.1 No background documents.

11. APPENDICES



Peterborough Statement of Community Involvement

Draft- for Cabinet November 2021

Peterborough City Council

Tel: (01733) 863872

Fax: ~~(01733) 453505~~ Email: planningpolicy@peterborough.gov.uk

www.peterborough.gov.uk

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Part 1: Introduction

Introduction

This Statement of Community Involvement (SCI) sets out how Peterborough City Council ('the council') will involve and consult with the public and wider stakeholders when planning for the future of the ~~district~~ Peterborough local authority area. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the council will assist in ~~the preparation of~~ neighbourhood planning matters.

The commitments set out in this document are binding on the council, unless national legislation states otherwise.

What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Peterborough City Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

Please note that this SCI was written based on the council's understanding of national legislation that existed as ~~at~~ of July 2018~~21~~. Should national legislation change, there may be elements in this SCI which no longer apply. The council will endeavour to update this SCI as soon as possible after significant national legislation change.

Part 2: Consultation Commitments on Planning Applications

Step 1: The Pre-Application Stage

What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the council within fixed timescales, the application is approved. For certain types of prior approval, the council will notify occupiers of neighbouring properties and allow them to submit comments [in accordance with the requirements of the Order](#).

The council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the council's website: www.peterborough.gov.uk/council/planning-and-development/planning-and-building/

Developer pre-application consultation with the community

Section 122 of the Localism Act 2011¹ introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013². However, it is the council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

² <http://www.legislation.gov.uk/uksi/2013/2931/made>

Step 2: Planning Application Process

Community consultation on planning applications

Planning legislation requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the council consults on planning applications is set out below:

Development type/size	Peterborough City Council consultation commitments
<ul style="list-style-type: none"> Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. metres or more in floor space or one hectare or more); Applications subject to Environmental Impact Assessment (EIA); Work affecting listed buildings or conservation areas; Applications affecting public rights of way, bridleways or byways. 	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none"> All other developments 	Neighbour letters and sometimes site notice where neighbours cannot all be identified

Planning applications can be viewed online using the council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within eight weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (via letters, faxes and or emails) to the council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken <u>with neighbours</u> <u>Re-consultation with consultee(s) where the change may affect their comments (at the discretion of the Case Officer)</u>
Where the change significantly alters the appearance or layout of the proposal; and would be of interest to neighbours/ community groups; <u>and/or where the description of development is substantially changed</u>	Notification letter sent giving a minimum 14 days for comment. A revised site notice and press article (<u>where displayed as part of the original consultation</u>) will be displayed for significant alterations, or for major/ EIA/ conservation area/ listed building/ right of way applications. <u>development</u> <u>A revised site notice and press article may be displayed for major / conservation area / listed building / right of way applications (at the discretion of the Case Officer)</u>
<u>Where the change amends the red line boundary of the application site</u>	<u>Notification letter giving a minimum of 21 days for comment</u> <u>A revised site notice and press article where displayed as part of the original consultation</u>

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

Who makes the decision on planning applications?

The council receives approximately 2,500 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the council's Scheme of Delegation and its Standing Orders within the Constitution. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning and Environmental Protection Committee is, at the time of adopting this SCI, made up of 11 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking, the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a parish council or ~~district ward~~ councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and will make a recommendation to Planning and Environmental Protection Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the council's website.

Step 3: Appeals

Planning appeals

If the person who applied for planning permission does not like the decision that the council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

Step 4: Enforcement

Community involvement in planning enforcement

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. In addition, public consultation would not be necessary or appropriate as the objective of enforcement action is normally to return the land to its lawful state.

The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the council's website for reporting what you think is a planning breach, alternatively please call the Planning and Enforcement Team on 01733 453495.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

Part 3: Consultation Commitments on Planning Policy

Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole council area, and makes the big decisions on the location of housing, employment and roads, for example.

The council has a good track record of keeping its Local Plan up to date, ~~and has already committed to keeping its policies up to date by aiming to adopt a new Local Plan by early 2018~~ with the adoption of the Local Plan in July 2019.

Should any joint plan be undertaken which covers the Peterborough City Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, set out the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities and Parish Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local communities and Parish Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of ‘general consultation bodies’ who the council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council’s area;
- Voluntary bodies which represent the interests of-:
 - Different racial, ethnic or national groups in the district council’s area
 - Different religious groups in the district council’s area
 - Disabled people in the district council’s area
 - People carrying on business in the district council’s area

There are also people and organisations that the council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

Public participation (Regulation 18)	During the first stage of public involvement the council will, as a minimum, contact the ‘specific’ and ‘general’ consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of six weeks for comments to be made. Following this first stage of consultation, the council may undertake one or more further six week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.
Pre-submission publication (Regulation 19)	Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are

	advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of six weeks.
Submission (Regulation 22)	The council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the council will consider whether to adopt the Local Plan. On adoption, the council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website and paper or electronic copies will be available to view at the main council office. If appropriate, additional paper

copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

Consultation Arrangement for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of four weeks.

At the commencement of the consultation period, the draft SPD will be made available on the council's website and at the council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the council main office.

Part 4: Neighbourhood Planning

Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011³. It enables parish councils and, in non-parished areas, neighbourhood forums to develop a [planning strategy/neighbourhood plan](#) for their local area to be used in making decisions on relevant planning applications.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a Parish Council or neighbourhood forum is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions'⁴, which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; ~~and~~
- Not breach, and be otherwise compatible with, EU and Human Rights obligations; and
- Meet any other nationally prescribed conditions, and comply with any other nationally prescribed matters

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as neighbourhoodplanning.org <https://neighbourhoodplanning.org/>.

Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the council at each stage.

Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

³ [Localism Act 2011 \(http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted\)](http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted)
[Neighbourhood Planning \(General\) Regulations 2012 \(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf\)](http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

⁴ [As set out in paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004](#)

In areas covered by parish councils a Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

Where there is a parish council, the application must come from the parish council: no other community group can apply to designate the Neighbourhood Area, or indeed prepare a neighbourhood plan for the parish. However, this does not mean that only members of the parish council can prepare the neighbourhood plan: it is often the case that parish councils establish a neighbourhood plan working sub group, which is composed of both parish councillors, and non-councillor volunteers.⁵ a

In areas where there is a parish, an application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (the council can provide a PDF map if needed). An application form is available on the website <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans/>

In an area without a parish council, a neighbourhood forum needs to be set up. There can only be one forum per neighbourhood area. The boundary for the area will be proposed by a group who will subsequently apply to be an official neighbourhood forum (if not already established as a neighbourhood forum). An area proposed by a neighbourhood forum cannot include any area covered by a parish council.

Neighbourhood Forum: Further details

The council's understanding of the current legislation regarding Neighbourhood Forums is as follows. Whilst you do not need to be formally constituted as an official forum at the time of application for the designation of a Neighbourhood Area, your forum must be at least capable of being designated as a neighbourhood forum. It is up to your group whether you apply for designation as a Neighbourhood Area and Neighbourhood Forum at the same time or separately.

All applications to become a neighbourhood forum should be made using the ~~_council-~~application form that is available on ~~request~~ the Peterborough City Council website: www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans.

Neighbourhood forums must meet the following conditions⁵:

1. ~~It is~~ established for the main purpose of promoting or improving the social, economic and environmental well-being of an area;
2. The neighbourhood forum covers a designated neighbourhood area (or about to be designated area);
3. Membership ~~has been, and remain~~s open to individuals living, working or acting as elected members in the area concerned;

⁵ As set out in section 61F(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.
www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted

4. Membership is made up of at least the number required by law⁶, (currently 21 members), each of whom lives or works or is an elected member within the neighbourhood area; and

4.5. The neighbourhood forum must have a written constitution.

In relation to point 4 above, a prospective neighbourhood forum is not required to have a member from each membership category in order to be designated. Rather, the local planning authority will consider whether the prospective neighbourhood forum has taken reasonable steps to attempt to secure membership from each category and from different places and sections of the community in that area.

Once an application to set up a neighbourhood forum has been validated by Peterborough City Council, the council will publish as soon as possible on our website, the following information:

- A copy of the application;
- A statement that if a formal designation as neighbourhood forum is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
- Details of how and when to make representations (the period for making representations will be a minimum of six weeks); during this consultation period. ~~A a potential alternative forum may come forward at this time.~~

In addition, the council, if appropriate, may also undertake additional advertising of the application.

If an alternative neighbourhood forum wanted to put itself forward to prepare a neighbourhood plan for the designated neighbourhood area it must submit the same information as required by the original applicant within the six week consultation period.

The council will make a decision on a neighbourhood forum application within 13 weeks, or 20 weeks if the application applies to more than one local authority area.

Whether a Parish Council or a Forum, when a Neighbourhood Area application is submitted, the council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Parish Council for the whole of their area, no consultation is required and the council must designate the area⁷.

For other circumstances (i.e. if the application is not for the whole Parish Council's area, or is for more than one parish area, or for non-parished areas) then the council will publicise notice of the application, and consult on the application for a minimum period of six weeks⁸.

Representations will be considered by the council and a decision will be made on whether to approve the Neighbourhood Area.

⁶ Set out in the Localism Act 2011

⁷ Paragraph 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016) (<https://www.legislation.gov.uk/uksi/2016/873/regulation/2/made>)

⁸ Paragraph 6 (c) of The Neighbourhood Planning (General) Regulations 2012, as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015: <https://www.legislation.gov.uk/uksi/2015/20/regulation/2/made>

With all applications, the council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

What you can expect from the city council in Stage 1

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Parish Council for the whole of their area the council must designate the area. The council will aim to do this within five working days of the application being validated.

If consultation is required, we will publish your application on the council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated⁹:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

Stage 2: Produce your neighbourhood plan

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be ~~produced according to~~ shaped by the intended content aspirations of the local community and the nature of the area.

It is important to be realistic about the ~~amount of~~ resources and time you can put into the plan. The council would like to take this opportunity to stress that any parish council or neighbourhood forum that chooses to prepare a neighbourhood plan for their local area will lead on the preparation of their neighbourhood plan, not Peterborough City Council. The responsibility for the majority of the work involved in preparing a neighbourhood plan lies with the qualifying body: the council will provide advice if requested, and fulfil its obligations as set out by regulations, but the drafting of the plan, the gathering of evidence to support policies, the preparation of mapping for inclusion in the plan, and the execution of the pre-submission 'regulation' 14 consultation are the responsibility of the qualifying body.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Peterborough City Council (see Stage 6).

The council sets out below how it will assist at this stage, as a minimum. This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended

⁹ Paragraph 6A of The Neighbourhood Planning Regulations 2012, as amended by The Neighbourhood Planning (General)(Amendment) Regulations 2015 - <https://www.legislation.gov.uk/ukSI/2015/20/regulation/2/made>

that you should develop a clear project plan to plan for when you anticipate needing assistance from the council and inform the council of your project plan, and keep us up to date on your progress. It is important to note that the council's duty to support does not extend to financial assistance i.e the council does not have any funds available to pass to a Parish Council or Forum in order for the Parish Council or Forum to do any of the work.

When you are reasonably certain about the policies your plan will contain, the council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again. As part of the screening process, the council will consult the Environment Agency, Historic England and Natural England. Following the screening process and consultation with the aforementioned consultation bodies, the council will publish a SEA Screening Determination Statement¹⁰ as well as publish the full Strategic Environmental Assessment Report. Both documents will be published on the council's website.

What you can expect from the city council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request, but may be limited depending on staff resources at the time of enquiry capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- Aan initial meeting (requests for meetings may be limited to one. Meetings may be held virtually. In instances where an in person meeting is required, typically these will be held at the council's offices);
- Advising on potential topics for your plan;
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the map of the designated neighbourhood area; and
- Printing of up to 205 copies of a draft Neighbourhood Plan for regulation 14 consultation.

Timescales for a response to any request will vary depending on the nature of the request and the current workload of the Strategic Planning Team at the time of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving such a request. This will require a mature draft of the plan being provided prior to the pre-submission (regulation 14) consultation.

¹⁰ In order to satisfy the requirement of regulation 15(e)(ii) of The Neighbourhood Planning (General) Regulations (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015)

Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a six week (minimum) consultation¹¹ prior to submitting it (see Stage 4) to the city council. This requirement, which is the parish council's or neighbourhood forum's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Specifically, the following details should be publicised: the plan itself; when and where the plan can be inspected; details of how to make representations; and the date by which comments should be made;
- Consulting any consultation body set out in paragraph 1 of Schedule 1¹² whose interests the qualifying body considers may be affected by the proposals on the plan. Schedule 1 includes many bodies and organisations, including, for example, the Highways Agency, Natural England, Historic England, the Environment Agency, parish councils in and adjoining the local authority area;
- ~~Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;~~
- ~~Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;~~
- ~~Notifying local organisations that represent racial, religious, national, business, and disability groups;~~
- ~~Notifying voluntary bodies that operate in your neighbourhood area;~~
- ~~Notifying parish councils within the neighbourhood area; and~~
- Sending a copy of ~~theyour~~ plan to the city council.

Prior to publicising your plan, it is recommended that you contact the council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the ~~six-week~~ consultation period is complete you will need to review the comments and collate them into a consultation statement. The consultation statement¹³ should: set out details of the persons and bodies consulted; detail how the persons and bodies were consulted; summarise the main issues raised; explain how these issues have been considered, and where relevant, how these have been addressed in your plan. , including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan.

~~You will then need to amend the plan to be ready to submit to the council.~~ If significant changes are made to the plan, it is recommended that you repeat this Stage 3 ~~six-week~~ 'Regulation 14' consultation.

¹¹ Regulation 14 of The Neighbourhood Planning (General) Regulations 2012

¹² The Neighbourhood Planning (General) Regulations 2012, Schedule 1:
<https://www.legislation.gov.uk/ukSI/2012/637/schedule/1/made>

¹³ As required by regulation 15 of The Neighbourhood Planning (General) Regulations 2012

What you can expect from the city council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the council's website and place copies of the proposed plan at the council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a **formal** response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

Stage 4: Submission and publication of the plan

As set out at Stage 3 above, First following the formal 'regulation 14' consultation, you will need to take account of the comments made ~~to the pre-submission consultation (and make any amendments to your plan as you think necessary).~~

Next, you will need to formally submit your plan to the **c**ouncil. At this point you cannot make any further changes to the plan and you hand over control of the plan to the council.

Your plan must be accompanied by a number of other documents¹⁴, specifically:

- A map or statement clearly identifying the area to which the plan relates (this can be the map of the neighbourhood area, as published by the city council when the neighbourhood area was formally designated);
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A 'basic conditions statement' to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination (this is the 'SEA Screening Determination Statement' referred to in stage 2 above).

When your plan is submitted, the Council will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for **a minimum of** six weeks (i.e this is a second **formal** six week consultation, in addition to the six week consultation at Stage 3. This is the 'Regulation 16' consultation) on the council's website

¹⁴ As set out at regulation 15 of The Neighbourhood Planning (General) regulations 2012:
<https://www.legislation.gov.uk/ukSI/2012/637/regulation/15/made>

and in hard copy at an appropriate council location. The council will ~~also~~ publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by. The council will also notify any consultation body referred to in the consultation statement submitted by the qualifying body.

Following the consultation, the council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

What you can expect from the city council in Stage 4

~~If requested, we will help you, capped at four officer working days in total (unless we agree to extend the number of days),~~ to consider any representations received at Stage 3 (‘regulation 14 consultation’), and help you determine what appropriate action should be undertaken ~~with them (for example, this may include assisting in)~~ amending policy wording) prior to you formally submitting the plan to the council.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will:

- ~~arrange for publication of~~ publish the plan on the council’s website;
- ~~have hard copies placed at an appropriate city council~~ location for inspection; ~~and parish council location,~~
- ~~publicise the consultation as necessary;~~
- ~~and~~ notify the consultation bodies ~~as required, including those~~ who submitted comments at pre-submission stage, as set out in the Consultation Statement (subject to any legal requirements arising from the General Data Protection Regulations).

In publicising the consultation, we will set out:

- Details of where and when the plan can be inspected;
- Details of how to comment;
- That anyone can request to be notified of the council’s final decision on whether or not to make (adopt) the plan¹⁵.
- The deadline for comments.

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting the minimum requirements for the publication of the plan. ~~We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or forum asks us to.~~

Stage 5: Independent examination

¹⁵ Under regulation 19 of The Neighbourhood Planning (General) Regulations 2012

During the publication stage the council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the parish council or neighbourhood forum submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to whether the referendum area should extend beyond the neighbourhood area, though this will be an unusual recommendation.

The council will consider the examiner's recommendation and make the ultimate decision on whether the plan should proceed to referendum. The council will ~~based on the examiner's report and~~ publish ~~the council's~~ decision statement and the examiner's report on the council's website. The council's decision can differ to the recommendation of the examiner: if this is the case, the council will set out its reasons in the decision statement.

What you can expect from the city council in Stage 5

We will appoint the examiner in consultation with the parish council or neighbourhood forum.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 210 copies of the final Pplan, ~~in colour, including maps.~~

Stage 6: Referendum and Adoption

~~Upon receiving the examiner's report approving the plan to proceed to referendum and the council's~~ the council makes the formal decision that the plan will ~~to~~ proceed to referendum ~~(only in exceptional circumstances would the council not agree to proceed)~~, the council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' (there is no minimum turn out needed) then the council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan and national policy (and any other material considerations) in making decisions on planning applications.

What you can expect from the city council in Stage 6

We will arrange and pay for the referendum.

We will publish the results of the referendum on our website and issue a press release.

We will adopt the plan at the next suitable Full Council meeting, within 8 weeks of the referendum.

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.

CABINET	AGENDA ITEM No. 6
15 November 2021	PUBLIC REPORT

Report of:	Steve Cox, Executive Director Place & Economy, Cambridgeshire and Peterborough	
Cabinet Member(s) responsible:	Cllr Nigel Simons Cabinet Member for Waste, Street Scene and the Environment Cllr Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and investment.	
Contact Officer(s):	Darren Sharpe - Natural and Historic Environment Manager Richard Kay – Head of Sustainable Growth Strategy	01733 453596

TREE MANAGEMENT: LIMITED REVIEW OF THE TREES AND WOODLAND STRATEGY (INCLUDING REVISED TREE PLANTING TARGETS)

RECOMMENDATIONS	
FROM:	Deadline date:
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> 1. Consider the tree planting and other related recommendations of the Climate Member Working Group, as set out in Appendix 1, taking account of officer commentary in this agenda report (and especially para 4.11), and advise Full Council whether it endorses all or some of the recommendations, prior to Full Council considering the recommendations at its meeting on 8 December. 2. Recommends to Full Council that the Trees and Woodland Strategy, in addition to any amendments arising from recommendation 1, be further amended by way of (a) an updated Tree Risk Management Plan, as set out in Appendix 2; and (b) introduction of new operational guidelines in respect of daylight loss and vegetation encroachment, as set out in para 4.24. 3. Welcomes the national 'Queen's Green Canopy' scheme, and instructs officers to (a) take all reasonable opportunities to promote the scheme with the public, encouraging the public and businesses to 'plant a tree for the Jubilee'; (b) determine whether any of the council's land holdings due to have tree planting introduced over the next two winters be specifically designated (with appropriate signage) as a 'Queen Green Canopy' planting (such as a new copse, woodland or orchard), and (c) where appropriate, submit where appropriate tree planting done by the council over the next 2 winters to the national Queen's Green Canopy database, so that the council's contribution can be recognised. 	

1. ORIGIN OF REPORT

1.1 The report is submitted to Cabinet, with its origin stemming from two main sources:

1. The tree planting targets element of this report is brought to Cabinet following the Council's instruction (in October 2020, and as updated by Cabinet in February 2021) to the Climate Change Cross Party Working Group to conduct an audit of Council owned land and produce a revised tree planting target by March 2022.

2. Growth, Environment and Resources Scrutiny Committee, at its meeting of 8 September 2021, made a number of tree related requests for Cabinet consideration.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The primary purpose of this report is for Cabinet to determine what, if any, amendments to the Trees and Woodland Strategy are considered appropriate (aided by, in part, by the recommendations of the Climate Change Cross Party Working Group, and thereby recommend such amendments to the next available Full Council meeting. As a reminder, the Trees and Woodland Strategy is a major policy item, and therefore only Full Council can amend its content. The report also considers and makes recommendations on other tree-related matters.
- 2.2 This report is for the Cabinet to consider under its Terms of Reference No. 3.2.1, *'To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.'*
- 2.4 The outcome of this work has the potential to directly and indirectly support all of the council's corporate priorities.
- 2.5 The tree planting recommendations included in this report will help to improve air quality across the city which therefore could also have a corresponding benefit for Children in Care (as well as the wider populace of Peterborough).

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	15 November 2021
Date for relevant Council meeting if applicable	8 December 2021	Date for submission to Government Dept.	N/A

4. BACKGROUND AND KEY ISSUES

- 4.1 Trees are a vital natural resource, and their importance to human welfare and wellbeing (as well as to wider biodiversity wellbeing) is becoming increasingly recognised by society. The Council, as a major landowner, is a custodian of many thousands of trees – indeed, 20% of land owned by the council is covered by trees, ranging from woodlands to single urban 'street' trees. To help manage that tree stock (as well as new planting), the Council has an adopted Trees and Woodland Strategy, the last being adopted by Full Council in 2018. It is nationally recognised in the industry as a 'best practice' example of such a Strategy. Cabinet may wish to remind themselves of its content here: <https://www.peterborough.gov.uk/council/planning-and-development/conservation-trees-and-hedges/tree-management>
- 4.2 The Strategy has been very effective in putting in place clear processes and guidelines as to how the city council will not only discharge its statutory functions in relation to Trees and Woodland, but also establishes guidelines, or 'service standards', in respect of this important resource, a matter which is a very 'public facing' service. The Strategy not only deals with how we will manage our existing tree stock (such as how we will deal with nuisance trees), but also provides the framework for planting new trees, as well as highlighting threats and risks to our trees (eg ash dieback). For the avoidance of doubt, the Strategy is almost entirely targeted at PCC owned land – it is not a district-wide policy or strategy for managing (or planting) trees on private land.
- 4.3 Notwithstanding the success of the current Strategy, for a number of reasons as explained in this report, Cabinet is asked to consider and offer its thoughts on potential changes to the Strategy.

Any such recommended changes or comments will then be recommended to Full Council.

4.4 This report has four broad elements, as follows:

- Tree Planting on council land – amended targets
- Tree Risk Management Plan – updated plan
- Queen’s Green Canopy – council support for the scheme
- Tree management operational guidelines – additional guidance

Tree Planting Target

4.5 This part of the Report considers whether or not the council should amend its Tree Planting Target. At a meeting of Full Council in October 2020, Council instructed the cross-party Climate Change working group and relevant officers to:

“1. Carry out an audit of council owned land in the city to identify possible planting opportunities

2. Research and recommend much more ambitious tree planting targets for planting on Council land and to submit to Full Council not later than March 2021 amendments to the Trees and Woodland Strategy and the Carbon Management Plan to include the proposed new targets.”

4.6 It became apparent that there was insufficient time and resources to meet the March 2021 target, especially in terms of a comprehensive audit of Council owned land. In February 2021, therefore, Cabinet resolved that it:

“Supports the work of the Climate Change Cross Party Working Group to identify mechanisms to enable the Council to significantly increase tree canopy cover across the city over the next ten years and to present detailed proposals within a maximum 12 months detailing how this can be achieved.”

4.7 The Working Group has spent a considerable amount of time researching and debating the options, including taking on board expert witness advice.

4.8 Attached at Appendix 1 is the Working Group’s agreed set of recommendations, together with a paper explaining the rationale for such recommendations. Cabinet is asked to consider the recommendations, and determine whether it supports some or all of the recommendations. Because the task was set by Full Council, for reporting back to Full Council, the Working Group’s recommendations will be sent to Full Council unaltered. However, Full Council, no doubt, would welcome Cabinet’s views on them.

4.9 To assist Cabinet, the view of officers is that the ‘25% by 2035’ tree canopy cover target, as recommended by the Working Group, is an extremely ambitious target. Whether it is deliverable will, as is often the case, be subject to resources. The Working Group consider that the financial impact to deliver the target will be relatively low (£70k per annum is requested, as new additional funding), with the vast majority of the cost (£5-15m est, over approximately 15 years, for the planting and maintenance) will be grant funded.

4.10 If the £70k revenue funding is agreed, as requested by the Working Group, and if the new target is worded in such a way as to make it clear that it is subject to grants being secured (which is what is proposed by the Working Group), and if, as is probably the case, that enough PCC land can be found to meet the target, then the recommendations of the Working Group are, in the opinion of officers, potentially deliverable, if somewhat still very challenging. The scale of planting will be something around 10-20x the current rate of planting, for example, and will need to be undertaken for the next 14 years.

4.11 However, given the Council’s present financial situation, it is the view of the S151 Officer, based on an assessment of the business case made for the funding that was considered through the Council’s budget governance processes, that the additional £70k revenue funding cannot be supported at this time. As such, officers recommend that Recommendation 6 of the Working

Group's recommendations be amended and offered to Full Council as an alternative, as follows (bold and underline highlights the change):

6. That Council investigates all reasonable options to secure additional external revenue funding, of around £70,000 per annum, in order to secure (a) additional staffing support (cost c£50,000 pa) to: undertake the work required to bid for funds; to maintain the evidence base to support locations to deliver new planting; undertake ground truthing of sites identified for potential planting; and overall manage the delivery of the ambitious tree planting programme, the scale of which will be similar to that achieved under the Development Corporation programme of the 1970s/80s; and (b) a small funding pot (c£20,000 pa) to be used to help directly deliver the tree planting targets in any particular year where 100% grant funding cannot be secured.

In doing so, none of the other Working Group recommendations would be affected, and the revised planting target (including the caveat of meeting such a target will be dependent on securing grants and other funding) can remain unaltered, and be endorsed by Cabinet to Full Council.

Tree Risk Management Plan

4.12 Part of the function of the Council's Trees and Woodland Strategy is to help facilitate compliance with:

- Occupiers Liability Act 1957 [revised 1984] which requires it "to take reasonable care" to maintain its trees and woods in a reasonably safe condition.
- The Health and Safety at Work Act 1974 which requires the council to have a duty of care to employees and members of the public in respect to safety of the trees in its ownership.

4.13 At Appendix 4 of the Trees and Woodland Strategy is the current Tree Risk Management Plan. As with all risk management, it is important to regularly review such management processes and update any measures to meet legislative changes, case law or general current best practice guidance. A review and update of this Risk Management Plan has recently been undertaken by Aragon Direct Services (whom deliver tree services on the ground for the Council) and relevant Council officers, and it is recommended that the Risk Management Plan be updated and agreed as an amendment to the existing main Strategy. Appendix 2 of this report provides the recommended updated Risk Management Plan.

4.14 In summary, the changes proposed in the Plan (compared with that agreed in the 2018 Strategy) are relatively limited. The main systems of health and safety checks on trees that have been developed over time are proposed to be maintained. The overall aim of the revised Plan continues to be to keep risks presented by trees as low as it is reasonably practical to do so. The main proposed changes, therefore, are:

- To reflect upon recent case law that has subsequently already influenced current operations and thus needs to be formally reflected in the plan.
- To provide a clearer structure to the document, in order to explain the 'what', 'why' and 'how'.
- To introduce a 'high priority tree survey' process for sizeable trees which are within falling distance of a high value target.

The Growth, Environment and Resources Scrutiny Committee endorsed the updated Tree Risk Management Plan at its meeting of 8 September 2021. Cabinet is asked to recommend to Full Council the updated Plan, so that it can be inserted into the Trees and Woodland Strategy.

Queen's Green Canopy

4.15 Next year marks 70 years of the monarch on the throne. To celebrate the anniversary and create a lasting legacy, a UK-wide tree planting initiative named The Queen's Green Canopy (QGC) has been established. The unique scheme involves inviting people to "Plant a Tree for the Jubilee," with everyone encouraged to plant trees from October 2021 - when the tree planting season begins - through to the end of the Jubilee year in 2022.

- 4.16 Gillian Beasley and wider officers have been working with Cambridgeshire County Council and the Lord Lieutenant of Cambridgeshire, Julie Spence, to raise awareness of the QGC and to work with residents, groups, schools, businesses and other partners to encourage and support their participation in the scheme. As well as leaving a lasting legacy for the Queen, the tree planting will support the environmental ambitions of the city council, including the target to achieve net zero carbon emissions and create an improved natural environment for residents and wildlife. There is obviously a very clear link with the earlier part of this report on revising our tree planting targets.
- 4.17 Everyone is invited to take part and it is easy to get involved – whether you are an expert gardener or complete novice there is something you can do. This ranges from individuals planting trees on their private land, community planting projects, schools planting trees on their premises and businesses setting up tree planting projects with employees. However, *planting the right tree in the right location* is an essential message we need to get across to all those interested in the scheme. The wrong tree in the wrong location can quickly result in a nuisance, become a health and safety hazard or can go on to damage property.
- 4.18 A national map is hosted on the national QGC website where you can add your planting project and view the contribution being made across Cambridgeshire and Peterborough.
- 4.19 For further national information:
<https://queensgreencanopy.org/>
 For local information (webpage hosted by CCC, but developed in partnership with PCC):
<https://www.cambridgeshire.gov.uk/residents/climate-change-energy-and-environment/improving-the-natural-environment/trees-and-woodland/queens-green-canopy-project>
- 4.20 The Leader of the Council has already voiced his full support for the scheme (see council press release of 17 Sept 2021). However, Cabinet is asked to formally endorse the scheme, and instruct officers to undertake best endeavours to promote it to residents, as well as actively take part by planting trees on our own land and logging such sites on the national database.
- Operational guidelines to which Aragon operate to, in respect to encroaching vegetation and loss of daylight**
- 4.21 On 8 September 2021, the Scrutiny Committee had a wide-ranging discussion relating to tree matters, including consideration of whether the Trees and Woodland Strategy had the right policy framework to tackle nuisance trees (such as whether exceptions to standard policy be introduced).
- 4.22 Officers did not recommend making such changes to the Strategy, and this was, following discussion, endorsed by Committee. However, as an alternative way to tackle the ‘nuisance’ issues raised by Scrutiny, officers did recommend greater clarity in the Strategy in respect of operational guidelines to which Aragon work to, specifically in relation to encroaching trees and loss of daylight. Scrutiny Committee endorsed these new proposed guidelines, and recommended them to Cabinet.
- 4.23 Cabinet is now asked to similarly endorse these new guidelines (set out below), and recommend them to Full Council as an amendment to the Trees and Woodland Strategy. Perhaps the most important element of the proposed new guidance, is the introduction of the ‘4 metres’ guidance. In recent years, we have generally operated on a 2m rule, but the revised text below acknowledges that in certain circumstances, and in relation to specific daylight loss, a greater distance of 4m is to be introduced. This new guidance will be monitored for both its effectiveness (i.e. less complaints / more satisfied customers) and whether or not it significantly puts pressure on the overall tree management budget to implement compared with than the present

arrangements. For the avoidance of doubt, no additional finance is being sought to implement this new 4m guidance, as its implementation will be via the existing tree management budget; but if it is demonstrated over a 12 month period that this new guidance diverts too much of the budget from other necessary tree work in order to implement the 4m guidance, then the guidance will be reviewed again. This is not expected to be the case, but will be monitored. The new guidelines are as set out in the next paragraph.

4.24 Text recommended to be inserted into the Trees and Woodland Strategy:

Daylight Loss

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. The Council will only consider taking reactive action (pruning or felling) in the following circumstances:

- *The separation between the tree's branches and windows of the main room of the dwelling is less than 4 metres; and*
- *The works are considered compliant with BS3998: Recommendations For Tree Work; and*
- *The trees lost would not have significant landscape impact or would not result in the loss of a significant community asset.*

For the purposes of this guidance windows to toilets, bathrooms, storerooms and circulation areas are excluded. Equally the guidelines do not apply to sheds, greenhouses, summerhouses, garages and workshops. Where a dwelling has a conservatory, the opening between it and the house, not windows to the front or side of the conservatory, is taken as the window position.

Encroaching vegetation (trees).

Council owned trees will not be pruned to prevent overhang of a private property unless it is touching the main dwelling or garden buildings. Where cases of this nature are reported it is aimed, following pruning, to provide 2 metre clearance from the structure to the offending branches.

The council will advise residents of their common law rights to prune overhanging vegetation to the boundary line of the property (the exception to this would be where the tree is covered by a TPO and consent would first have to be obtained from the Local Planning Authority).

Other Potential Changes to the Trees and Woodland Strategy

4.25 The aforementioned Scrutiny Committee discussed a number of other potential amendments to the Trees and Woodland Strategy, and one aspect in particular was recommended. The Committee was concerned that the current Strategy operated on the basis that when a council owned tree was felled, a replacement was on the basis of 1 for 1, and the replacement potentially being a very small tree. The precise reference within the Strategy is para 9.2.24, bullet points 1 and 2, which state as follows:

- *Council owned street trees that are removed will be replaced on a one for one basis, using established nursery grown standard trees.*
- *Trees felled owing to them being inappropriate for their location will replanted on a one for one basis, typically elsewhere within the ward. The size of nursery stock used within these location will vary to the planting location.*

4.26 The Committee recommended that the replacement tree policy should not be just based on numbers but on the benefits and impacts such as biodiversity, mitigating the impact of climate change, net carbon benefits and net gain, and should be in line with the current planning policy (whereby developers must replace trees on a development site on a greater than 1-for-1 basis).

4.27 Officers opinion is that the practical implementation of this approach would be difficult, as replacing one tree for several trees in a specific location is not always possible. The costs would

also be considerably more (once maintenance has been factored in), and no budget is available for this. Moreover, officers are conscious of the substantial (10-20x fold) increase in tree planting as being recommended by the Working Group, which will require widespread planting throughout the city in any event. Attempting to factor in a further large scale tree planting programme via a greater than 1-for-1 replacement policy will place further demands to implement, both financially and officer time. On balance, therefore, Scrutiny Committee's request is therefore not supported by officers, and Cabinet are not asked to recommend any changes to Full Council in this regard.

5. CONSULTATION

- 5.1 Scrutiny Committee was consulted on a number of aspects in the paper, at its meeting of 8 September. The Climate Cross Party Member Working Group has held extensive discussion in respect of the tree planting targets, including some external expert advice sessions. The views of these two Member based forums have been set out in this report at the applicable places.

No other consultation has taken place, other than internal officer discussions.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 It is anticipated that Cabinet will endorse a number of changes to the Trees and Woodland Strategy, and recommend such changes to Full Council. It is also anticipated to endorse the 'Queen's Green Canopy Scheme.

7. REASON FOR THE RECOMMENDATION

- 7.1 There is widespread acknowledgement of the vital role trees play, not only for human benefit but wider planet and biodiversity gains. The recommendations in this report are aimed at further strengthening the council's commitment to tree planting and a high quality tree management service.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Tree Planting Target

A wide range of options have been considered for increasing tree planting by the council, as detailed in Appendix 1. The option of planting less trees was rejected from the start of the process, as this would be contrary to the climate and biodiversity emergencies that we face.

Tree Risk Management Plan

Other rejected options include:

1. Keep plan as existing. This was dismissed as it was considered that the Council would not comply with best practice guidance or its legal duties.
2. Specify a Plan that exceeds best practice guidance or resources. Although commendable this approach would impose unacceptable financial pressures on the authority.

Amendments to Trees and Woodland Strategy (including exceptions)

Rejected options include:

1. Prune any tree that shades or overhangs private property. This would introduce a significant financial burden exceeding existing budget along with the destruction of one of the city's most valuable natural assets.
2. Insert a broad range of exemptions. This would make the role of the Tree Officer untenable and would impose financial burdens far in excess of existing budgets.

9. IMPLICATIONS

Financial Implications

- 9.1 Unless otherwise stated below, there are no financial implications arising from the recommendations in this report, and can be delivered via existing budgets.

Tree Planting Target

Any increase in tree planting will require additional resources, potentially substantial running into £millions (both short term and annual basis for maintenance). Based on the Climate Cross Party Working Group preferred option, these are likely in the region of £5-£15m over the next 10-15 years. However, the Working Group are clear that such sums will be 100% grant funded (other than a £20k 'top up' fund), and acknowledge that the target is set on this basis. In effect, if the grants aren't secured, the planting target will not be met. Accordingly, there are no financial implications for the actual tree planting.

However, the Working Group is specifically seeking additional staffing resource to manage the tree planting programme, at a cost estimated at being £50k pa, on a recurring basis. This cost is not currently planned for in the Medium Term Financial Strategy, and should it be agreed it would present a budget pressure, increasing the requirement to make savings to deliver a balanced budget.

However, given the Council's present financial situation, it is the view of the S151 Officer, based on an assessment of the business case made for the funding that was considered through the Council's budget governance processes, that the additional £70k revenue funding cannot be supported at this time. This can be revisited once the budget has been balanced. In addition, clarity is also sought on the funding sources for ongoing maintenance which is set out as Grant Funding as again the Council does not have the revenue budget to cover this in the event that Grant Funding is not available.

Legal Implications

- 9.2 There is a legal duty to maintain any trees planted on land that the Council owns and is responsible for, as defined in the Health and Safety at Work Act 1974, Management of Health & Safety at Work Regulations 1999, Highways Act 1980 and The Occupiers Liability Act 1957. If Council commits to the planting of additional trees, PCC will be legally responsible for their maintenance.

The loss of daylight on neighbouring properties from Council owned trees may constitute, in some people's mind, a nuisance based in law. It is however reported that to-date that no such cases have been brought to the courts or succeeded in respect of trees. This maybe because a remedy is seldom available.

Where a tree is causing actual harm directly to a person property e.g. rubbing on a shed roof, the resident has the right to abate the nuisance themselves. It is however considered that the Local Authority would take reasonable steps to abate the nuisance in response to harm.

Equalities Implications

- 9.3 There are no known implications, positive or negative

Rural Implications

- 9.4 There are no known implications, positive or negative, though increased tree planting across the administrative area should bring some positive benefits to rural (as well as urban) areas.

Carbon Impact Assessment

- 9.5 If the tree planting targets as recommended by the Working Group are adopted by Full Council, there will be a considerable net benefit to the climate, arising from the sequestration of carbon from the atmosphere through the growing of trees. Very approximately, a tree over its lifetime can absorb around 1 tonne CO₂. The Working Group are recommending something like 150,000 trees to be planted. Whilst not all such trees would reach maturity, even if a proportion of them do it would capture many 1,000s of tonnes from the atmosphere.

10. BACKGROUND DOCUMENTS

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

- 10.1 Trees and Woodland Strategy 2018

11. APPENDICES

- 11.1 Appendix 1 – recommendations of the Climate Cross Party Member Working Group

Appendix 2 – proposed updated Tree Management Risk Plan

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Recommended Revised Tree Planting (Council Land) Target

Author: Climate Change Member Working Group, PCC

Date: October 2021

To: Cabinet on 15 November 2015

Agreement: The contents of this paper was **unanimously** agreed by the members of the Working Group

Recommendation

The Working Group recommends to Cabinet and Full Council that:

1. The Trees and Woodland Strategy be amended with the effect of raising the council's target for tree canopy coverage on council owned land (excluded leased out land) from 22% to 25%, and to achieve such a target by 2035. This target should be known as '25% by 2035' target.
2. Achieving such a '25% by 2035' target (which is an increase from the current tree canopy coverage of 20%) should be via a mix of woodland style planting and urban 'street tree' style planting.
3. The location of new planting should be targeted to those sites owned by the council whereby the planting of trees would offer the greatest number of ecosystem benefits. In addition, the existing policy to target wards with low current tree canopy coverage should remain.
4. If the above target is agreed, Cabinet and Full Council should note that this is likely to involve the planting of around 10,000 trees per annum on council owned land.
5. The financial costs associated with achieving the above target be recognised (including maintenance costs, which generally is the vast majority of the cost rather than the purchase of the tree), but that such costs should be met through the council considerably stepping up its efforts to secure grant funding to cover 100% (or very close to) of such costs. As such, other than as referred in recommendation 6 below, no additional funding is being sought by the Working Group in order to achieve the above target.
6. Additional revenue funding be agreed, of around £70,000 per annum, in order to secure (a) additional staffing support (cost c£50,000 pa) to: undertake the work required to bid for funds; to maintain the evidence base to support locations to deliver new planting; undertake ground truthing of sites identified for potential planting; and overall manage the delivery of the ambitious tree planting programme, the scale of which will be similar to that achieved under the Development Corporation programme of the 1970s/80s; and (b) a small funding pot (c£20,000 pa) to be used to help directly deliver the tree planting targets in any particular year where 100% grant funding cannot be secured.

Introduction

By way of background, Full Council agreed in October 2020 a tree related motion (see below), and placed responsibility on the Climate Working Group to progress it.

This paper provides a summary of the options considered by the Working Group, and a set of recommendations for a way forward.

The recommendations are those of the Working Group, though the Working Group acknowledges the contributions by officers and external advisors in assisting with the establishment of the recommendations.

The Motion:

The motion that was AGREED at Full Council in October 2020 (unanimous) was as follows:

"Council notes that:

1. an increase in tree planting was one of the measures proposed in the motion declaring a climate emergency that was agreed in July 2019, as a means of helping the City Council and the City as a whole get to net zero carbon by 2030

2. many councils have adopted ambitious tree planting targets, whereas the Peterborough City Council Carbon Management Plan, adopted in March 2020, proposes that the Council will plant only 400 new trees on its land each year until 2030.

3. Friends of the Earth are advocating that there should be a doubling of tree canopy cover across the country by 2045 to help tackle both the climate and biodiversity emergencies.

4. Peterborough City Council is a partner in the Forest for Peterborough Project, which has a target of planting 230,000 trees (one for every resident in the city) between 2010 and 2030, of which around 120,000 still remain to be planted.

Council therefore instructs the cross-party working group on Climate Change and relevant officers to:

1. Carry out an audit of council owned land in the city to identify possible planting opportunities.

2. research and recommend much more ambitious tree planting targets for planting on Council land and to submit to Full Council not later than March 2021 amendments to the Trees and Woodland Strategy and the Carbon Management Plan to include the proposed new targets.”

Progressing the Motion

In summary, the Climate Change Member Working Group has held a considerable number of sessions in order to progress the request from Full Council, including receiving expert advice from external bodies.

Early in the consideration process, it became apparent that there was insufficient time and resources to meet the March 2021 target set by Full Council, especially in terms of a comprehensive audit of Council owned land. In February 2021, therefore, Cabinet resolved that it:

“Supports the work of the Climate Change Cross Party Working Group to identify mechanisms to enable the Council to significantly increase tree canopy cover across the city over the next ten years and to present detailed proposals within a maximum 12 months detailing how this can be achieved.”

This paper meets the above Cabinet request, as well as the original Full Council motion request.

The case in favour of tree planting

The Working Group acknowledge from the outset a strong, in principle, case in favour of tree planting, for a wide variety of reasons including: biodiversity gain; landscape benefits; flood risk mitigation; and helping to adapt to a changing climate (urban cooling effect) to name but a few. On top of all that, there is a strong case to plant more trees to help ‘capture’ carbon from the atmosphere. Indeed, the UK’s Committee on Climate Change recommends as a ‘key finding’ in its **Land Use: Policies for a Net Zero UK¹** (2020) that the UK needs to increase “UK forestry cover from 13% to at least 17% by 2050 by planting around 30,000 hectares (90 – 120 million trees) of broadleaf and conifer woodland each year.”

Establishing the evidence

A work programme to tackle the motion was set up as soon as possible, the speed and scale of which having to take account of time and resources available.

Consequently, a full and detailed audit of all council owned land was not possible. It was, however, and on a pragmatic basis, possible to undertake a preliminary desk-based analysis and audit of likely potential planting sites. This analysis

¹ See [Land use: Policies for a Net Zero UK - Climate Change Committee \(theccc.org.uk\)](https://theccc.org.uk/land-use-policies-for-a-net-zero-uk/)

focused on Habitat Opportunity Mapping work that was recently undertaken within Northamptonshire and Peterborough as part of a partnership project within the Nene Valley Nature Improvement Area (NIA).

Habitat opportunity mapping is a Geographic Information System (GIS) based approach used to identify potential areas for the expansion of key habitats. It aims to identify possible locations where new habitat can be created to enable delivery of particular benefits, whilst taking certain constraints into account. The project looked at mapping new opportunities for habitats across the whole of Northamptonshire and Peterborough. Opportunities were mapped based on opportunities to:

- enhance biodiversity for three different broad habitat types (broadleaved and mixed woodland, semi-natural grassland, and wet grassland and wetland);
- reduce surface water runoff;
- reduce soil erosion and improve water quality;
- ameliorate air pollution; and
- increase access to natural greenspace.

The biodiversity opportunity maps highlight areas that are best located in terms of their connectivity to existing habitat patches and are therefore most appropriate from an ecological point of view. In addition to mapping the individual opportunities, maps were also combined to highlight opportunities to enhance multiple services at the same time.

That study was used as the baseline for the task set by the Motion to look at tree planting opportunities within Council owned land. The data was then spatially cut to the curtilage of that land within Council ownership and control (c4,000ha). In line with the principles of the forthcoming Environment Bill's vision of Local Nature Recovery Strategies, sites were only selected which provided proven biodiversity opportunity which were then further filtered to those sites that offered the most combined ecosystem opportunities. A maximum of 5 ecosystem benefits can be achieved and thus for the purposes of this study those sites that offered the most combined benefits were selected. The table below shows the **potential** land quantity available where maximum benefits are perceived. These sites will need to be further 'ground truthed' to ensure that they are suitable (it is envisaged that this process will deselect a significant number of sites through constraints not captured within the desk based study):

Combined ecosystem benefits	Area (ha) identified
5	7.5
4	38
3	96

Thus, in conclusion, it appears at least theoretically possible for some tree planting to occur on up to 96ha of council land where multiple (at least 3 out of 5) ecosystem benefits may be achieved. The quantity of **theoretical** land available detailed above gives some reassurance of the **actual** availability of land to deliver future tree planting. In reality, the **actual** figure is likely to be significantly lower than the **theoretical** figure, once constraints and community opinions are taken into account (a process which has not been undertaken). Nevertheless, it sets a 'ceiling' of potential land opportunities.

The Cross Party Climate Change Working Group is aware that this approach does not meet the requirement for a detailed audit of Council owned land. A full detailed audit remains an option supported by the Working Group, and such an audit would complement the habitat opportunity mapping already done, and would equally help ground truthing of sites identified via the desk top exercise.

In reality, the full detailed audit (including the benefit of site investigations) is something that will take a number of years to be fully achieved and maintained as an up to date record, and it is acknowledged that no budget (or officer time) is presently available for such a task.

Establishing a tree 'target'

The Council's current adopted tree planting target, as established in its Trees and Woodland Strategy, is based on **canopy coverage** rather than a raw tree planting target. The current policy is as follows:

[para 9.2.24 – last bullet] “Previously the City council have not set targets for tree canopy cover increase, in excess of the natural gains as trees grow and mature. A 10% overall increase in canopy cover within the Council’s direct control is viewed deliverable and challenging target within the next 10 years. A 10% increase in green cover (canopy cover) can potentially eliminate the effects of climate change on increasing surface temperatures (CABE Space (no date) ‘The benefits of urban trees’). Canopy cover on council owned land within the Council’s direct control (not leased out) currently stands at 495.2 ha. A 10% increase would result in a further 49.5ha of additional canopy cover being required. In order to achieve this objective the council aims to target those wards where currently canopy cover is lowest. Simplistic modelling based on an average tree canopy of 0.012 ha (the average canopy spread from the canopy cover data) would indicate that a further 4126 trees would need to be planted on council owned land. However the delivery of the desired canopy cover is dependent on the growth rate of the trees as they mature. The size and nature of planting will be specified accordingly on the planting locations available. Delivery of these targets will be dependent on constraints within the land ownership. A more ward -by-ward individual target setting was considered impractical to both set and deliver. Instead, the more overarching 10% increase, with a targeting of wards with low current cover, is the most practical and flexible approach.”

The following paragraphs provide commentary on options considered for revising such a target, including whether the target should be a ‘tree planting per year number’ based, or remain a ‘canopy coverage’ target.

Initial discussions were based on setting a target related to PCC’s contribution to PECT’s Forest For Peterborough (F4P) target (F4P target is 230,000 new trees over 20yrs across all land, 2010-2030). The Council has been a long running partner within the F4P project and 8,936 trees have already been planted on Council owned land to date towards that target.

Two further refinements were considered that applied pro-rata planting targets based on the council’s entire (non leased out) landownership and its land ownership solely within the urban area.

The Working Group consider a number of options relating to what its contribution could be, in tree numbers, to helping meet the F4P target, and these were broadly in the 25-50,000 newly planted trees on council owned land, of which around 9,000 had already been planted by the council, leaving around 16-41,000 more trees to be planted over the next 10 or 11 years.

Ultimately, the Working Group decided not to progress a revised target related to tree planting numbers, and instead turned its attention to tree canopy cover (as per the current policy), but revising the target for such canopy coverage. The reason for this was that whilst a tree planting target may lead to an easy to understand headline ‘target’, canopy cover targets allow tree planting to be targeted where there are the greatest gains to be achieved and also allow a cost effective means of monitoring tree populations and the effectiveness of planting programmes.

Thus, whilst the Working Group fully supports the on-going work of PECT in delivering the F4P, and supports the council making contributions towards it, it decided to focus attention on a revised target for the council itself which relates to canopy coverage.

To further help this process, an evidence gathering meeting was held by the Working Group to help formulate a target and methods to fund the proposal. This key witness evidence gathering session was held on the 15th July 2021 with representatives of the Forestry Commission, Peterborough Environment City Trust and an independent arboricultural consultant, who was once a tree officer for Bristol City Council and equally an advisor to the Woodland Trust. The event was held in public and a recording can be viewed at <https://www.youtube.com/watch?v=uP6ibX1ST9s>.

Having determined that a target relating to canopy cover was the way forward (as it is in the current Trees and Woodland Strategy), the Working Group discussed a wide range of options as to what that target be, noting that the current canopy coverage on council land was just over 20%. As a reminder, the current Strategy seeks to increase the coverage from 20% to 22%.

As part of the discussion, two important factors were also considered:

- (a) the impact of ash-dieback (which has just started to arrive in Peterborough, and can reasonably expect to result in the loss of around 80% of all ash trees in the district over the next 5-10 years)

(b) the natural growth of existing trees which, even if the council did not plant any further trees, would continue to grow and provide an increase to canopy cover.

The precise figures which can be attributed to (a) and (b) above can only be a broad estimate, but following scrutiny of the evidence in these two matters (based on the quantity of ash known on PCC land, and the likely increase of canopy cover from existing (non-ash) trees), it was established that the two elements of (a) and (b) would in effect cancel each other out i.e. the canopy coverage lost via ash dieback would be similar to the gain in canopy cover from the maturing of all other trees.

The Working Group then went on to determine what the new canopy cover target should be, and broadly looked at three options:

Option 1: Retain the current target of an increase from 20% to 22%, with the end date being tree maturity (ie. potentially 100 years+)

Option 2: Increase the target to 30% by 2030

Option 3: Increase the target to 25% by 2035

To help put these targets into context, it is worth establishing the approximate scale of such planting required:

Option	Current canopy coverage (at 20% of all PCC land)	Land required to meet additional canopy coverage	Indicative tree planting required*	Annual rate (approx.)
1: Current (i.e. 22%)	495ha	50ha	4-5,000	500 (for next 9 years)
2. 30% by 2030	495ha	250ha	250-300,000	30,000 (for next 9 years)
3. 25% by 2035	495ha	125ha	100-150,000	10,000 (for next 14 years)

**these are indicative, as the canopy coverage achieved varies depending on the type, size and location of tree, and whether planted in a woodland form or as a single 'street tree'.*

To further put the above figures into context, the Council over recent years typically plants 100- 1,000 trees a year, excluding replacement trees for any trees felled.

It is also worth noting that the land requirement under options 2 and 3 are in excess of the land identified by the desk top exercise referred earlier in the paper (96ha maximum), meaning other land would also need to be planted upon, despite lower ecosystem benefits arising as a consequence.

The current policy in the Strategy is one which maintains the recent rate of planting, whilst the two alternative options would be a substantial increase in the rate of planting.

After considerable deliberation, and taking account of both the urgency to plant trees (to meet both the climate and the biodiversity crisis we face) and the deliverability of the options (in terms of land availability and finances), the Working Group determined that the revised target **should be to achieve a 25% canopy coverage by 2035.**

Resources to deliver this target.

It is acknowledged by the Working Group that the recommended revised target is very ambitious, but nevertheless necessary and appropriate. The Working Group acknowledge that the scale of tree planting will have to increase by 10-20x the current tree planting programme, and recognise that this scale of planting resembles that of the Development Corporation days, which had the benefit of considerably greater resource and even its own tree nursery to produce stock.

Understanding the resource need, and availability of resource, was a key part of the Working Group deliberations.

The evidence gathering session with external contributors clearly highlighted a broad range of opportunities for external funding which could be explored, such as: Forestry Commission; Woodland Trust; and Trees For Cities, to name but a few. These funding opportunities range from contributions to merely cover the cost of the tree to

broader wide-ranging schemes that cover both supply, planting and maintenance (up to 10 years maximum). It should be noted that no scheme fully covered the full cost to plant and maintain the tree stock throughout its entire life expectancy.

On the flip side, albeit in a limited number of cases, evidence² has demonstrated that it is possible that land planted with trees has a lower maintenance cost than the current (no trees) maintenance cost, such as on land currently intensively managed as cut grass. It should also be noted that one option to investigate to help deliver the proposed target, at potentially lower cost (including maintenance) is regenerative woodland creation, whereby land is set aside, with appropriate protection from rabbit and deer, to natural form as a woodland. Whilst not suitable in all circumstances, this is certainly an approach the council could include as part of a package of measures to deliver the canopy coverage target. Some grants do allow for such woodland creation schemes.

It was further noted by the Working Group that trees and woodland can deliver wider economic benefits and cost savings, albeit these being hard to quantify or monetarise. For example, trees can help mitigate against flood risk, meaning savings from flood risk management elsewhere and less direct losses from flood events; trees can help with urban cooling in summer, and heat loss in winter, in both instances helping to save other energy costs; and well landscaped trees can bring pride and investment to an area, again bringing economic benefits as a consequence. Attempts to place a financial value on some of these issues can be done, and trees can be regarded as a kind of capital asset. For example, a recent i-tree evaluation of our tree stock aimed to quantify and value our tree stocks role in air pollution removal, carbon storage, carbon sequestration and reductions in surface water runoff. In addition, the amenity value of the tree stock was calculated. The report demonstrated that the current tree stock alone offers a present ecosystem value of £36.12 million over 80 years for all other benefits combined, plus total carbon storage value of £10.3 million. Increasing our tree stock can only be concluded that it would serve to increase these returns.

Turning to the precise issue of meeting costs for tree planting, in principle the Working Group agreed that the new canopy cover target should (and could) be entirely met via external funding sources, not only for the trees themselves, but the planting and maintenance, albeit the Working Group noted officer reservations whether that would be possible. That said, the Working Group agreed that a small annual fund of £20,000 is recommended, to be used, for example, to match fund or 'top up' any particular grant scheme where a full 100% grant is not available, or to deliver a small planting scheme where no grant was available.

To illustrate the grant funding potential, the Council has just (Sept 2021) successfully been awarded a grant of c£260,000 by the Forestry Commission. The bid for that grant comprised a mix of tree planting types, and also included maintenance costs for 3 years. The grant will (based on Forestry Commission's own costings, which formed part of the bid process), enable approximately 3,300 trees to be planted in Peterborough over winter 2021/22. This is a fantastic start towards stepping up our tree planting ambitions, though the Working Group acknowledge it will only amount to meeting about 3% of the overall target figure being recommended, and implies that grants of something like £5-15m will need to be secured over the next 14 years in order to deliver the target (and deliver the target with close to net neutral capital cost for the programme). It is also worth noting that these 3,300 trees will still have a maintenance cost from year 4 onwards, an amount which will require a funding solution to be found.

It was however also agreed by the Working Group that currently resources do not exist within PCC or Aragon to fully explore and bid for these funds in the first place, nor keep up to date the evidence base needed to enable high quality bid submissions to be prepared. This staffing deficiency was further highlighted when witness evidence showed the staffing resource of a comparable authority was in the region of 11.5 staff compared to the 4.5 employed within the Aragon contract.

The Working Group therefore agreed that additional staffing resource was needed, and that such resource was not likely to be forthcoming from external funding sources.

There was considerable discussion on the scale of need for additional resource, ranging from 1-6FTE, potentially as a newly created dedicated team which oversaw: the maintaining of the evidence base; the ground-truthing of sites to

² See [Trees or Turf for Urban Green Space - Woodland Trust](#)

makes sure suitable sites are found, the correct species planted and appropriate planting programme for each site devised; the submission of bids; and the broad overseeing of delivery of the target.

Whilst there is considerable doubt as to the scale of officer need to meet the '25% by 2035' target, a minimum of 1FTE additional staff was deemed necessary, at a broad cost (including on-costs such as pension, NI, etc) of around £50,000 per annum. This should be seen as a minimum, and ideally a small new team of perhaps 4FTE would be more appropriate and realistic, at a cost of perhaps £200,000 pa. To begin with, however, the Working Group would like to see new funding set aside for 1FTE at around £50,000 annual cost, and monitor the effectiveness of such a resource.

In addition to all of the above, the Working Group is keen that the Council explores all opportunities to gain 'sponsorship' (or similar arrangements) of new tree planting, thereby potentially delivering some tree planting and maintenance at low / nil cost, albeit administrating such a scheme can require significant resource in itself.

Finally, the Working Group acknowledge that meeting the new canopy cover target is entirely dependent on being successful at securing external grants/sponsorships. As such, the new target of '25% by 2035' should be caveated in the Strategy with a 'subject to securing external funding'.

Revised Strategy Wording

The precise rewording of the Strategy is recommended as follows:

[para 9.2.24 – last bullet – revise to as follows] “For the first time in 2018, Peterborough City council set a target to increase the tree canopy coverage on its own land. The target was set at a 10% overall increase in canopy cover (i.e. up from a current coverage of 20%, to an increased coverage of 22%), and that planting be undertaken over the 10 years to 2028 which would, over decades, have the effect of meeting that target once the trees matured. In November 2021, and in recognition of the climate and biodiversity emergency we face, the Council radically stepped up its ambitions, and established a revised target of a 25% tree canopy coverage, with such coverage achieved by 2035 (known as the '25% by 2035' target). To achieve this target will require a ten- to twenty-fold increase in tree planting over the next 10-15 years on council land, and require around 100-150,000 trees to be planted, from small woodland 'whip' style planting, to larger specimen street trees. Meeting such a target will be dependent on securing grants and other funding. If achieved, this scale of tree planting will be a major contribution by the council to mitigating the effects of climate change, boost considerably the biodiversity of the district, and help humans and animals adapt to a changing climate (through, for example, the urban cooling effect of trees, improving air quality and the flood mitigation benefits that trees provide). The identification of sites for the new tree planting will be driven by: sites whereby tree planting would offer the greatest ecosystem benefits; sites within wards which currently have low tree canopy coverage; and consideration of any wider deliverability issues on a site by site basis.

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APPENDIX 2
Tree Risk Management Plan
Second edition

Peterborough City Council
Planning Services
Place and Economy
Sand Martin House
Bittern Way
Fletton Quays
Peterborough
PE2 8TY



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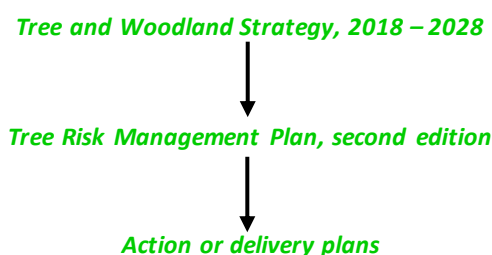
1 Introduction

Aragon Direct Services

- 1 Peterborough Limited, which trades in the name of **Aragon Direct Services** (ADS), is a private limited company, which is wholly owned by **Peterborough City Council** (the Council) as a Local Authority Trading Company.
- 2 One of the services provided by ADS is grounds maintenance, which includes the tree service, under which Council-owned trees are routinely inspected and any necessary maintenance is carried out in a timely way to mitigate risk, and new trees planted and managed.

The Tree Risk Management Plan

- 3 The purpose of this, the second edition of the **Tree Risk Management Plan** (the Plan), is to explain the steps that ADS take to deliver the Council's adopted **Tree and Woodland Strategy 2018 – 2028** (TWS) to ensure the sustainable management of the wide range of trees and woods managed on behalf of the Council by ADS.
- 4 In hierarchical terms the relationship between the documents is as follows:



- 5 To support the Council in discharging its duty of care under the broad range of legislation and case law affecting trees, people and property, see **Appendix A**, the TWS draws upon the comprehensive and dynamic legislative framework under which tree management in the public realm must be delivered. The Plan articulates the measures that ADS have put in place, and in particular a response to:
 - the publication in 2000 by the **Forestry Commission** of *Practice Guide 13 Hazards from Trees – a general guide*, and
 - the publication in 2007 by the **Health and Safety Executive** of Sector Information Minute *Management of the risk from falling trees SIM 01/2007/05*, (the SIM), and
 - the publication in December 2011 by the **National Tree Safety Group** of their suite of documents *Common sense risk management of trees. Guidance on trees and public safety in the UK for owners, managers and advisers* provides a summary of the law in respect of an owner's liabilities for injury to others caused by the fall of a tree or branch in **Chapter 3 What the law says**.
- 6 The Plan is presented in three sections, dealing with:
 - the tree service,
 - the tree data, and
 - tree management, the range of actions that will be followed.

2 The tree service

- 7 The tree service to implement the Plan will comprise the following:



The tree surveyors

- 8 The tree survey will be undertaken by suitably trained, qualified and experienced ADS staff, or specialist contractors working under ADS guidance. Typical minimum arboricultural qualifications awarded under the **National Qualifications Framework** would include the **NVQ/SVQ Level 3 in Treework**, the **AA/ABC Awards Technician's Certificate in Arboriculture**, the **EAC European Tree Technician**, or a **National Award** or **Diploma** (depending upon the syllabus), or their successors under the **Qualifications and Credit Framework**.
- 9 In addition, the ADS tree surveyors would have attended the **Lantra Awards Professional Tree Inspection** course or be working toward that qualification within 6 months of the confirmation of their employment.
- 10 The criteria to be assessed during the survey are listed in **Appendix B**.
- 11 The requirement will be that a surveyor is able to demonstrate their competence in the recognition of tree species, diseases, defects and signs of debility, and the consequences of those symptoms. On-going training will be made available as required in order to maintain the currency of the surveyors' arboricultural knowledge.
- 12 In addition, a surveyor will be able to demonstrate:
 - 1 understanding of and competence in the use of survey software in the field.
 - 2 understanding of and competence in the implementation of the Council's chosen tree risk assessment system.
 - 3 understanding of and consistent implementation of the Council's chosen protocol for valuing amenity trees.
- 13 It will be the surveyor's responsibility to acknowledge their own limitations in both knowledge and understanding to ensure that they do not attempt to sign off a survey for which they are not suitably and sufficiently qualified. The surveyor will be encouraged to refer those surveys for a second opinion.

The tree survey tools

- 14 The two main tools that the surveyors use are:
 - 1 the **Tree Hazard: Risk Evaluation and Treatment System** (THREATS) developed by the **Forbes-Laird Arboricultural Consultancy** and embedded in the data capture and management software **ezytreev**.
 - 2 the **Capital Asset Value for Amenity Trees** protocol (CAVAT) as a means of valuing amenity trees as public assets.
- 15 The determination of the most appropriate control measures is based upon the application of arboricultural knowledge and experience by the surveyor, who may seek a second opinion from a colleague or their line manager, including a recommendation for a more detailed inspection, including the use of decay detection devices such as the resistograph or sonic tomograph, should the surveyor determine that to be necessary.

The tree survey software

- 16 **ezytreev** from **RA Information Systems** (www.ezytreev.com) is used for both data capture and subsequent data management.
- 17 A series of drop-down menus on a hand-held data logger must be completed before the record can be closed, the data point updated, and before the surveyor can move on.
- 18 The work programme is generally driven by the outputs from ezytreev, particularly for the higher levels of risk that are identified, but the timing of service delivery may be moderated for lower risk categories to meet with



other cyclical or strategic regimes or objectives. Where this has happened, the works have generally been delivered ahead of the time dictated by ezytreev.

The profile of the tree service

- 19 ADS will determine the appropriate structure for of the tree service required to deliver the Plan, and the authority, competence and responsibilities of the individuals in that structure. The appropriate level of resource will be kept under constant review by ADS.
- 20 Analysis of the survey data will lead to the development of a tree work programme; the most appropriate means to deliver the programme will be agreed between ADS and the Council.

The budget

- 21 The primary objective for ADS when using the budget allocated to them from the Council will be to ensure that the surveying capacity and capability is maintained to provide a contemporary evidence base: resources will then be allocated to tree service delivery.
- 22 The indicative costs of the common range of tree service tasks or services will be used to plot how to draw down the available budget.
- 23 For operational reasons it is likely that some of the works that are identified by the survey will be brought forward and completed in advance of the recommended date because of the need to use the overall budget wisely and to consolidate service delivery within particular areas at given times.

3 The tree data

Overview

- 24 Assets are assessed by qualified personnel who use THREATS as a method for identifying, recording, and managing hazards from trees and deciding upon suitable control measures. At the same time, the trees are given a value as a public asset using the CAVAT protocol.
- 25 Guided by those assessments, recommendations for individual tree management are made and recorded.
- 26 At the initial survey assets are placed into one of three categories as prompted by the tree management software, designed in collaboration with the Council. Those three categories are:
 - individual trees, or
 - tree groups, or
 - shelterbelt and woodland groups.
- 27 A single tree within the categories “tree groups” or “shelterbelt and woodland groups” will only be recorded as an individual when necessary to mitigate risk.
- 28 Other data fields in the tree management software allocate the asset to a site type:
 - streets, footpaths and cycleways, or
 - parks and open spaces, or
 - shelterbelt, or
 - woodland, or
 - schools, or
 - other sites, including cemeteries, allotments, nature reserves etc.
- 29 In addition, the asset is allocated to the appropriate civil parish or ward.



Cyclical surveys

- 30 There is a cyclical survey regime for each asset type, and generally they are on a three-year cycle: the exception is the annual school survey and the 18-month cycle for those trees classified as requiring high frequency inspection.

Highways and parks survey

- 31 Individual trees and tree groups assigned to this site type, and every asset grouped by parish or ward in the following site types, will be re-surveyed on a three-year cycle:
- streets, footpaths and cycleways
 - parks and open spaces
 - cemeteries

When inspecting Council owned highway street trees, Aragon surveyors will also notify the highways authority of any privately owned trees of concern within falling distance of the highway. It is recognised however that Aragon only undertake these surveys on a three year cycle and do not visit and inspect all sections of the highway network, owing to certain parts of the network containing no Council owned trees. In order to address this, highway inspectors will through the course of their routine activities be required to make basic tree assessment surveys, and report concerns to Aragon for further assessment. To satisfy these duties, highways inspectors will have attended a **Lantra Awards** Highway Tree Inspection course (or similar) to ensure that trees within falling distance of the highway (both private and PCC owned) are suitably inspected at the same frequency as highways undertake their routine road condition surveys. Where concerns are raised by highway inspectors, cases are escalated to an Aragon to detail risk and quantify actions required. Equally when trees of concern are highlighted from Aragon inspections these are referred to highways for enforcement action under the Highways Act.

Shelterbelt survey

- 32 Under this survey cycle every asset grouped by parish or ward in the following categories and site types will be visited every three years:
- shelterbelt groups, and
 - shelterbelt site type

Woodland survey

- 33 Every asset grouped by parish or ward in the following categories and site types will be assessed every three years under this survey cycle:
- woodland groups, and
 - woodland site type

School survey

- 34 Every asset in the school site type will be assessed every year.

High frequency tree survey

- 35 Under this survey cycle the surveyor will, every 18 months, visit every individual asset grouped by parish or ward in the following categories:
- individual tree category where the tree is:



- a High Target Tree with a stem diameter of over 40cm and with a Target Score under THREATS of High or Very High

The survey control measures

- 36 To allow for unexpected seasonal variations and operational factors, there will be a six-month surveying window, not exceeding three months before or after the target re-inspection date, to ensure that all the required surveys are completed. The exception will be the high frequency survey period which must not, under any circumstances, exceed 18 months.
- 37 The timing of subsequent surveys will be evidence led and will depend upon the particular information about each individual tree that the surveyors capture during the preceding cycle of the survey.

Ad hoc inspections outside the survey regime

- 38 In addition to the programmed cycle of the survey regime there will be occasions when *ad hoc* inspections of specific trees or tree groups are required in response to an enquiry. Where enquiries stipulate health and safety concerns those assessments will be to the same standard as for the cyclical survey regime.
- 39 The outputs from the *ad hoc* health and safety surveys will therefore provide the opportunity to balance the need for work, as derived from the application of the embedded THREATS protocol, with an indication of the value of the tree, as derived from the application of the embedded CAVAT.

Monitoring the survey

- 40 To monitor the implementation of the survey ADS have put procedures in place to demonstrate that each of the following have been met and any agreed benchmarks and or milestones have been achieved, and if they have not then what control measures will be put in place:
- 1 the scope of the survey will endeavour to :
 - Plot free-standing individual trees as individual data points,
 - Plot groups by reference to their dripline,
 - Plot individual trees exhibiting noteworthy health and safety concerns within groups as an individual data point
 - 2 the extent of the survey has been met: either the complete set of data has been captured for each tree under ADS's control in these areas, or it has not:
 - street trees (and highway trees)
 - trees in parks and open spaces
 - trees in some, but not all, schools
 - trees in woodlands
 - trees in the urban woods
 - village and rural trees
 - trees on other sites
 - 3 all the required data fields have been completed:
 - quantitative data is likely to be recorded from a sequence of drop-down menus and so should be consistently presented,
 - qualitative data may be recorded as free text that may require editing before it can be used, editing may give the opportunity to a suitably qualified and experienced arboriculturist to verify the data.
 - 4 the embedded version of THREATS has been consistently applied, across time, geography and the team:



- the use of a suitably qualified and experienced arboriculturist to lead the analysis and comparison of the data captured by the team will help the team move toward a common vocabulary of risk and a shared understanding of the interpretation of THREATS.
- 5 the embedded version of CAVAT has been consistently applied, across time, geography and the team:
- as for risk assessment, the leadership of a suitably qualified and experienced arboriculturist will help the team move toward a common vocabulary of value and a shared understanding of the interpretation of CAVAT.

Reports

- 41 Typical reports that are generated include:
- 1 the progress of the survey, both within each electoral ward and across Peterborough,
 - 2 an analysis of the enquiries that have been received, for example how many over what period, where, how they have been dealt with,
 - 3 the prescriptions for work as generated by the survey, and
 - 4 the delivery of the tree work programme generated by the survey.
- 42 The progress of the tree work programme will be publicised on both the Council and ADS web sites, updates may be shared using social media.

4 Tree management

- 43 The implementation of the Plan aims to satisfy the following requirements.

Management information

- 44 The SIM recommends that the tree manager in the public realm should hold the following management information:
- 1 an overall assessment of risks from trees to enable the risks associated with tree stocks to be prioritised, and to help identify any checks or inspections that may be needed,
 - 2 a system for periodic checks, to involve a quick visual check for obvious signs that a tree is likely to be unstable to be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboriculturist,
 - 3 a record of when an individual tree has been checked or inspected with details of any defects found and action taken,
 - 4 a procedure to obtain specialist assistance when a check reveals defects beyond the experience and knowledge of the person carrying out the check,
 - 5 a system to enable people to report damage to trees and to trigger checks following potentially damaging activities, such as work by the utilities in the vicinity of trees or severe gales,
 - 6 specific assessments for those trees that the duty holder wishes to retain, despite the presence of serious structural faults,



- 7 an action plan to manage the risk that has been identified by a check, without unnecessarily felling or pruning trees,
 - 8 a register of individual trees that require more detailed inspection because, for example, they have structural faults that are likely to make them unstable and a decision has been made to retain the tree with these faults in close proximity to targets, and
 - 9 a monitoring regime to ensure that the arrangements are fully implemented.
- 45 As one of the leading tree management database systems the developers of *ezytreev* have ensured that the available fields and the software architecture have been designed to meet the recommendations of the SIM.

Discharging the duty of care

- 46 The SIM states, at paragraph 3:

*Employers, persons carrying out undertakings or in control of premises all have duties under the HSW Act. In particular, there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. Doing all that is reasonably practicable does **not** mean that all trees have to be individually examined on a regular basis. A decision has to be taken on what is reasonable in the circumstances and this will include consideration of the risks to which people may be exposed.*

- 47 The SIM goes on to state at paragraph 5:

In addition to duties under the HSW Act there are a number of reasons why . . . duty holders . . . may want to manage their tree stocks, for example responsibilities under other legislation and the risk of civil liabilities to:

- *reduce the risk of property damage from subsidence;*
- *maintain stocks to preserve their amenity, conservation, and environmental value;*
- *prevent personal injury through trips and falls on footways disturbed by tree roots; and*
- *prevent vehicle damage and personal injury from obscured sightlines on the highway.*

For these and other reasons, some duty holders may undertake inspection of trees in a manner well beyond the reasonably practicable requirements of the HSW Act.

- 48 The SIM continues, at paragraph 7:

Individual tree inspection should only be necessary in specific circumstances, for example where a particular tree is in a place frequently visited by the public, has been identified as having structural faults that are likely to make it unstable, but a decision has been made to retain it with these faults.

- 49 It is clear therefore that by adopting and fully implementing the steps described in the Plan ADS will be able to discharge their duty of care under the broad range of legislation and case law affecting trees, people and property.
- 50 ADS will follow two broad principles when considering what tree management response is appropriate to meet the requirements of the TWS in each circumstance, be that as part of planned works or an emergency response:
- 1 appropriate action will be taken to mitigate a risk to the personal safety of residents or visitors, or of harm to property, which is directly related to the condition of, or presence of, an ADS-managed tree, and



- 2 early intervention will be preferred to prevent everyday arboricultural situations from developing into a hazard that is difficult or unreasonably expensive to control.
- 51 The general presumption will be that tree pruning will provide the preferred option of a sustainable solution; however, in some circumstances tree removal may be the only option.
- 52 The appropriate response in each circumstance will be determined by the particular facts, however an analysis of the previous decisions that have been taken, each one based on high quality management information, will help to deliver tree care in an even and consistent way that can withstand public scrutiny and audit.

Sustainable tree management

- 53 The Plan seeks to help to deliver the Council's commitment to protect, plant and maintain the trees and woodland within its authority as set out in the TWS. Sustainable systems of management will be promoted that will aim to:
- maintain or enhance the tree population,
 - facilitate the removal of dangerous or potentially hazardous trees,
 - promote biodiversity and conserve the tree/woodland eco-system,
 - conserve veteran trees with significant ecological, historical and amenity value,
 - establish a tree population with a balanced diversity of age class,
 - optimize the use of timber and other products of tree management.
- 54 Records of tree management decisions that were based on high quality management information will help to deliver tree care in an even and consistent way that can withstand public scrutiny and audit.

5 Conclusion

- 55 The Plan above has evolved to satisfy the Council's need to discharge their duty of care to manage the risk represented by the tree and woodland assets under their control, whilst maintaining the broad range of benefits and values those assets provide to the general public both now and for future generations.



Abbreviations and references

Abbreviations

ADS	=	Aragon Direct Services
CAVAT	=	Capital Asset Value for Amenity Trees
HSE	=	Health and Safety Executive
HSW Act	=	Health and Safety at Work etc. Act 1974
MHSWR	=	Management of Health and Safety at Work Regulations 1999
the Council	=	Peterborough City Council
the Plan	=	Tree Risk Management Plan
the SIM	=	Sector Information Minute Management of the risk from falling trees
the TWS	=	Tree and Woodland Strategy
THREATS	=	Tree Hazard: Risk Evaluation and Treatment System

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Appendix A – the legal background

Legislation

- A1 As part of their carrying out of undertakings, or control of premises, including public spaces, employers have a duty of care under the **Health and Safety at Work etc. Act 1974**. In particular there is a duty to do what is reasonably practicable to ensure that they and other people are not exposed to risk. **Section 3** of the Act confirms that an employer cannot pass on their legal duty by way of a contract to third parties.
- A2 The **Management of Health and Safety at Work Regulations 1999** (MHSWR) require a risk assessment to be carried out to identify the nature and level of the risks associated with the works and associated operations. Regulation 3.1 states:

Every employer shall make a suitable and sufficient assessment of:

- a. the risks to the health and safety of his employees to which they are exposed whilst they are at work; and*
- b. the risks to the health and safety of persons not in his employment arising out or in connection with the conduct by him of his undertakings.*

<https://www.legislation.gov.uk/uksi/1999/3242/regulation/3/made>

- A3 The MHSWR affect all parts of the tree management process, though in the context of this Plan they apply most particularly to the undertaking of tree inspection on a reasonable cycle and the completion of the necessary remediation work.
- A4 Under **The Occupiers Liability Act 1957** ADS, as the occupier, owes a duty of care to all visitors to ensure that their visit is reasonably safe. Trespassers are protected under **The Occupiers Liability Act 1984** from the risks that the occupier is aware of. Consideration, therefore, is needed to be given to any known tree-related risks and the actions necessary to reduce or remove them.
- A5 Other legislation requiring positive action in response to health and safety concerns includes the **Highways Act 1980**. The Government has, for at least three decades, published advice on the inspection and care of trees:

*The Secretaries of State wish to draw . . . attention **once again** to the need for regular inspection of roadside trees in order that any considered to be a danger to road users can be made safe or felled.*

(DOE, 1973:2)

- A6 Collectively, street trees and trees within falling distance of the highway (including those outside the ownership and direct control of the highway authority and so potentially some ADS-managed trees) are classed as highway trees. The highway authority is responsible for ensuring that highway trees do not endanger the highway and its users. Recommendations in **Well-maintained Highways, Code of Practice for Highway Maintenance Management** include R9.3:

Highway safety inspections should include highway trees Inspectors should take note of any encroachment or visible obstruction and any obvious damage, . . . a separate programme of tree inspections should be undertaken by arboricultural advisors

(Roads Liaison Group, 2005:119)

- A7 When an occupier fails to meet the requirements of their statutory duty of care, which subsequently results in reasonably foreseeable harm or damage to persons, animals, or property, it is likely to be construed that the occupier has been negligent and may result in their prosecution. This may be either because of their action



(for example using a person without sufficient skill to survey trees, by undertaking incompetent pruning, or by destabilising a tree by root severance) or by their omission (for example by a failure to inspect trees on a reasonable cycle or the failure to carry out prescribed remedial actions).

Case law

- A8 In **Noble v Harrison** [1926] 2 KB 332 (CA), a tree shed a limb onto a passer-by, causing personal injury. The Court of Appeal reversed the original finding in favour of the claimant because the defect could not have been discovered by inspection. Rowlatt J said:

I see no ground for holding that the owner is to become an insurer of nature, or that default is to be imputed to him until it appears, or would appear upon proper inspection, that nature can no longer be relied upon...

(cited in Stagecoach, paragraph 57)

- A9 In similar vein, in **Brown v Harrison** [1947] 177 LT 281, Somerville LJ reiterated the relevant test in these terms:

Having regard in each particular case to the circumstances of the particular case if there is a danger which is apparent, not only to the expert but to the ordinary layman, which the ordinary layman can see with his own eyes, if he chooses to use them, and he fails to do so, with the result that injury is inflicted ... the owner is responsible, because in the management of his property he had not acted as a normal, reasonable landowner would act.

(cited in Mynors 2011: 222)

- A10 In his summing up in **Edwards v National Coal Board** [1949] 1 All E. R. 743 Asquith LJ interpreted reasonably practicable as follows:

'Reasonably practicable' is a narrower term than 'physically possible' ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them.

(cited in Mynors 2011: 217)

- A11 In **Quinn v Scott** [1965] 1 WLR 1004, Glyn-Jones J found for the claimant because the decay of the tree (which was owned by the National Trust), was there to be seen and the tree should have been felled. The judge said:

The duty of the Trust is to take such care as a reasonable landowner – and that means a prudent landowner – would take to prevent unnecessary danger to users of the highway adjoining the Trust's land. There is not to be imputed in the ordinary landowner the knowledge possessed by the skilled expert in forestry... But, in my opinion, there may be circumstances in which it is incumbent on a landowner to call in somebody skilled in forestry to advise him, and I have no doubt but that a landowner on whose land this belt of trees stood, adjoining a busy highway, was under a duty to provide himself with skilled advice about the safety of the trees...

(cite in Stagecoach, paragraph 62)

- A12 In **Chapman v Barking and Dagenham LBC** [1997] 2 E.G.L.R. 141 a branch was broken from a tree in a high wind and fell onto the van being driven by Mr Chapman, and he was severely injured. The tree had exhibited features that warranted closer inspection and there was a duty on the Council to make inspections, which they had failed to do and so they were found to be at fault. Judge Viscount Colville of Culross QC stated:



I am satisfied that, despite all encouragement and advice both from external sources and to some extent from their own officers, the defendant Council did not at any relevant time appreciate the distinction between making lists of trees and routine maintenance, as opposed to systematic expert inspection as often as would be reasonably required. I find that no such inspections were ever made, that it was a clear duty on the defendants to make them, and that they have failed in that duty.

(cited in Mynors, 2011: 223)

- A13 The need to use a suitably trained, experienced and/or qualified tree inspector was at the core of **Poll v Bartholomew and Bartholomew** [2006] EWHC (QB) 4BS50394 when the claimant, having collided with a fallen ash tree, successfully sued the landowners for negligence. The judgment also recognised that there are varying levels of skill in inspectors and it is the employers' duty to ensure that they employ a competent person at the appropriate skill level, re-asserted in **Atkins v Scott** [2008] 6KB04804.
- A14 In **Corker v Wilson** [2006] 5MY04657 the branch of a roadside oak tree fell and struck the claimants car causing injuries and damage. The claim of negligence was dismissed as no breach of duty was established, and so the failure of the branch from the roadside oak tree that led to the injury to Mr Corker was deemed not to have been foreseeable.
- A15 Similarly, in **Selwyn-Smith – v – Gompels** [2009] 8SN00362 the claim of negligence was dismissed as it was deemed that the catastrophic failure of the Austrian pine that resulted in damage to the garage and injury to Mr Selwyn-Smith could not have been foreseen.
- A16 In **Micklewright v Surrey County Council** [2010] 8GU20243 a branch fell from a highway oak tree, one of over 2 million on the Surrey road network, resulting in the death of Mr Imison in 2007, adjudged to be accidental at the inquest. The claim was that the defendant had breached their common law duty of care and their statutory duty under OLA. However, the defendant had instigated a system of inspection in 2008, and the central point in the case was (at paragraph 43) that,

even if an adequate system of inspection had been in place so that the tree had been inspected by a suitably trained Highways Inspector before the accident, nothing would have been found which would have resulted in a detailed inspection by a qualified arboriculturist and the works which would have prevented the accident.

- A17 The judgment included, at paragraph 15:

Neither the common law or the statute law requires an owner or occupier to make his land completely safe. His duty is to take such care as in all the circumstances of the case is reasonable. What is reasonable varies with the circumstances. It follows that the owner or occupier must make some assessment of the potential risk presented by any tree on his land. He must therefore inspect trees at appropriate intervals. In ascertaining how frequently the trees need to be inspected the owner or occupier must have regard to the size of the risk involved and the difficulty of counteracting that risk. The question is "Was the owner or occupier's conduct reasonable?"

- A18 The judgment was that the action failed.

- A19 The case went to the Court of Appeal [2011] EWA Civ 922 but the appeal was dismissed; the central point was raised in paragraph 9:

Having found that the defendants had no proper system of inspection, the learned judge had then to consider the following questions: (i) what sort of inspection would have been required? (ii) had such inspection been carried out, would it have revealed anything warranting a more expert inspection? and (iii)



The whole focus of the appeal was in effect on the judge's approach to and answer to (ii) above. Since he answered that in the negative, (iii) did not receive close attention.

A20 In **Bowen and others – v – National Trust** [2011] EHC 1992 (QB) the Trust was claimed to have breached their statutory duty of care under OLA, and their co-extensive common law duty, “to take reasonable care to provide reasonable safety”, after a branch failure at Felbrigg Hall tragically resulted in the death of one child and injuries to others. Despite that tragedy the Trust was found to have acted reasonably.

A21 The issue being considered (paragraph 6):

is whether those who inspected this tree, as they did on two occasions prior to the fall of B3, exercised such care as was reasonable in the circumstances of this tree at this place. It is easy to state the law in this area, but less easy to apply it, particularly in a case with such a tragic outcome as this. The thrust of the case against the defendant is that its tree inspectors, for whom it is vicariously liable, failed to exercise reasonable care in their task.

A22 Despite the disastrous consequences the judgment concludes at paragraph 43:

I accept these inspectors used all the care to be expected of reasonably competent persons doing their job, and the defendant had given them adequate training and instruction in how to approach their task. To require more would serve the desirable end of compensating these claimants for their grievous loss and injuries. But it would also be requiring the defendant to do more than was reasonable to see that the children enjoying the use of this wood were reasonably safe to do so. I regretfully conclude that I cannot find that the defendant was negligent or in breach of its duty in respect of this tragedy.

A23 In **Battley v Wycombe District Council** [2013] OWL00094 the claimant was struck by a falling Lombardy poplar tree and the main issues were the extent of the inspection and/or testing which the Council should have carried out, what such inspection and/or testing would have revealed and whether what would have been revealed was causative of the tree's failure. The cause of failure was agreed to be a combination of root decay and gale force winds, with gusts of between 55 – 70 mph.

A24 In paragraph 86 the judgment states:

Thus the following particulars of negligence have been admitted or proved against the Defendant: failure to recognise the tree as owned, failure to inspect it, failure to consider the threat posed to its anchorage / stability by the excavation and installation of the heavy concrete strip, failure to use equipment to investigate the internal condition of the root plate and failing to cut it down before this incident occurred.

A25 In 2014 in the case of **Stagecoach South Western Trains v Hind and Steel** [2014] EWHC 1891 (TCC), where a mature ash tree in the rear garden of Rose Cottage, owned by Hind and worked upon at her direction by Steel, failed and fell onto the railway causing damage to a train, the claimant sought to recover damages, but that case was dismissed. The judge found that there was no duty to warn in this specific case and that the tree that failed was not obviously dangerous and so the claim of negligence was dismissed.

A26 The case of **Witley Parish Council v Cavanagh** [2018] EWCA Civ 2232 in the Court of Appeal in 2018 has divided opinion: the NTSG commentary from their web site states:

It does, however, highlight that zoning is material in safeguarding against risk to the public, and that some trees in locations with high levels of use (generally to be determined by landowner or agent) may warrant more frequent and thorough inspection than trees in other locations. Decisions will be informed by factors such as tree species, life-stage, condition and size. Whether inspections are two-yearly, or even more frequent, will depend on individual circumstances; equally, three-yearly, or less frequent, inspections may be appropriate in other circumstances.

(<https://ntsgroup.org.uk/123-2/>)



A27 In **Colar v Highways England** [2019] C32YP685 the judgment from the County Court was that the assessment that had been undertaken was inadequate and failed to identify evidence that was causative of the tree failure which led to the Claimants injuries and that liability must be determined in their favour.



Appendix B – the tree survey criteria

- B1 The usual criteria that would prompt a tree to be identified as an individual are as follows:
- that which would commonly be recognised as a tree, i.e. a clearly visible woody stem with secondary thickening and with a diameter at 1.5m above ground level of in excess of 7.5cm
- B2 In general, mature shrubs such as elder for example, would not be identified and recorded as an individual unless management intervention were required to mitigate risk associated with that specific asset. Their presence would routinely be reported to Grounds Maintenance for their action.
- B3 When undertaking cyclical surveys, Aragon rely on accurate land ownership data provided by the Council's GIS layers, which are supplied and uploaded onto Ezytreev on a quarterly basis. Those features identified as trees that are within the Council's most recent land ownership GIS layer would be recorded as being the responsibility of the Council. Where further clarification on ownership and responsibility is required, Aragon will seek this from the relevant Council department responsible
- B4 Those features identified as trees that are outside the Council's most recent land ownership GIS layer would be recorded as private trees.
- B5 Tree groups may be identified where a common management prescription would be applied; within a group a tree individual may be identified and recorded as an individual where management intervention may be required to mitigate risk.
- B6 Tree groups are not subject to THREATS or CAVAT evaluations as standard.
- B7 Within the High Frequency Survey, High Target trees will be excluded from the survey of shelterbelt site types as there is necessarily insufficient data to locate individual High Target trees in these site profiles.



CABINET	AGENDA ITEM No. 7
15th November 2021	PUBLIC REPORT

Report of:	Rob Hill – Assistant Director Community Safety	
Cabinet Member(s) responsible:	Councillor Steve Allen – Cabinet Member for Housing, Culture and Communities	
Contact Officer(s):	Rob Hill – Assistant Director Community Safety / Vickie Crompton DASV Partnership Manager	Tel. 07815 558081

DOMESTIC ABUSE – SAFE ACCOMMODATION STRATEGY

RECOMMENDATIONS	
FROM: Rob Hill – Assistant Director Community Safety	Deadline date: 5 January 2021
It is recommended that Cabinet approve the Peterborough Safe Accommodation Strategy	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following Scrutiny Committee on 28 September 2021, where the Draft Safe Accommodation Strategy was endorsed.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to endorse and agree the Safe Accommodation Strategy as required by the Domestic Abuse Act 2021
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, *‘To promote the Council’s corporate and key strategies and Peterborough’s Community Strategy and approve strategies and cross-cutting programmes not included within the Council’s major policy and budget framework.’*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	STATUTORY PLAY	If yes, date for Cabinet meeting	15 NOV 2021
Date for relevant Council meeting if applicable	N/A	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	DLUHC 5 Jan 2022

4. BACKGROUND AND KEY ISSUES

- 4.1 The Domestic Abuse Act 2021 sets in statute that Tier One authorities must prepare and publish a local strategy based on a robust needs assessment, the first of which should be published by 5th January 2021 as set out in regulations. Thereafter, Strategies must be reviewed every three years.

Peterborough City Council have been allocated £477,374 for 2021/22 only at this stage to deliver the strategy. Both MHCLG and the Local Government Association have indicated there is likely to be funding for future years, however, the level of funding will not be confirmed until the Autumn Statement 2021.

4.2 To inform the development of the strategy, a full needs assessment was conducted, the key challenges from which are as follows:

- A spectrum of response is required to meet varied needs of clients, dependent on their risk, household structure, occupation, and tenure of property.
- Provision of easily accessible accommodation to those at risk of abuse and their children who are safe to stay within the area (Peterborough & Cambridgeshire) if provided with additional support.
- Provision of therapeutic support to victims and their children who have experienced domestic abuse.
- Ensuring greater support is provided to the housing sector to improve awareness and support to those experiencing domestic abuse.
- Ensuring a consistency of support across both urban and very rural areas, as this rurality provides challenges for this work.

A copy of the Needs Assessment is available at [Welcome to Cambridgeshire DASV Partnership \(cambsdasv.org.uk\)](http://cambsdasv.org.uk)

4.3 As a result of the needs assessment, and in response to the key challenges summarised above, the three key aims of this strategy are:

- Earlier identification and intervention for domestic abuse through access to domestic abuse support, local authority housing advice and social and private landlords
- A reduction in the number of victims of abuse who are made homeless as a result of domestic abuse
- Increased housing sustainment options so that people experiencing domestic abuse can remain safely in their home when it is their choice to do so, or do not lose their tenancy status if they relocate.

4.4 The Strategy will follow the Whole Housing Approach to Domestic Abuse. Alongside Cambridgeshire, Peterborough were one of the key delivery partners in developing and adopting the Whole Housing Approach, with funding from MHCLG from 2018 – 2021. This approach is endorsed by the Domestic Abuse Commissioner, Nicole Jacobs, as well as highlighted as good practice within the Domestic Abuse Act Guidance. This approach has enabled victims of domestic abuse to access safe accommodation regardless of the tenure of property and enables specialist domestic abuse staff to offer a range of flexible options with regards to increasing the safety of those suffering domestic abuse and their children. A whole system approach is needed to effectively address the key issues and barriers experienced by survivors and to ensure they have access to a safe place to call home. The WHA model offers a framework for the domestic abuse and housing sectors to work together to address the immediate and longer-term housing needs of survivors. The model incorporates the experiences of survivors, the expertise of system leaders and established, evidence-based practice

In adopting this approach, we can ensure access to a range of tailored housing options and initiatives to give people experiencing domestic abuse the choice to either relocate or remain in their existing accommodation. The full suite of housing options enables agencies and organisations to work together more collaboratively. Effective coordination efforts consider the long-term safety of the victim/survivor and their children, as well as managing crisis situations.

The elements within this approach are set out within the strategy document. The extent to which these can be delivered, will depend to some extent to the funding made available for 2022-2024.

5. CONSULTATION

- 5.1 A consultation event was held on 10th August 2021 as part of the development of the Safer Accommodation Strategy, attended by local authorities, housing providers, specialist domestic abuse services, police, the Office of the Police and Crime Commissioner, and representatives from health. It was also circulated to the DASV Partnership Board and Operations Groups. Consultation was also undertaken with the Sub Regional Housing Board, and the Safer Peterborough Partnership. It was endorsed by the Domestic Abuse Strategic Board on 8th September 2021.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 This strategy and the associated funding will result in:
- Earlier identification and intervention for domestic abuse through access to domestic abuse support, local authority housing advice and social and private landlords
 - A reduction in the number of victims of abuse who are made homeless as a result of domestic abuse
 - Increased housing sustainment options so that people experiencing domestic abuse can remain safely in their home when it is their choice to do so, or do not lose their tenancy status if they relocate

An increase in the number of individuals and their children suffering from domestic abuse able to be advised, supported and able to cope with and recover from the abuse they have suffered

7. REASON FOR THE RECOMMENDATION

- 7.1 Having a Safe Accommodation Strategy is a Statutory requirement of the Domestic Abuse Act.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 This is a Statutory Requirement, there are no alternative options.

9. IMPLICATIONS

Financial Implications

- 9.1 In 2021/22, Peterborough City Council were awarded £477,374 as part of a Section 31 Grant Agreement. The strategy is reliant on funding being available in future years and any services commissioned must go through all legal procurement procedures.

Legal Implications

- 9.2 This strategy is a Statutory requirement under Section 4 of the Domestic Abuse Act.

Equalities Implications

- 9.3 This strategy will ensure the needs of all victims with relevant protected characteristics are considered and met, including gender, race, language, religion, sexual orientation, age health and disabilities. The action plan will set out how the barriers faced by victims with relevant protected characteristics and / or multiple complex needs, will be addressed.

Rural Implications

- 9.4 Those living in rural areas may have increased difficulties in accessible suitable support. This strategy recognises the need to ensure all support services with the strategy are accessible to those who may live in rural areas.

Carbon Impact Assessment

- 9.5 Publication of this strategy will not impact on carbon emissions in Peterborough

10. BACKGROUND DOCUMENTS

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

- 10.1 *Safe Accommodation Needs Assessment*
https://www.cambsdasv.org.uk/storage/secure_download/SFdsdTVkSk1BNII5MXI3VDFmUkhPQT09
Domestic Abuse Act 2021 [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

11. APPENDICES

- 11.1 Appendix 1: Draft Safe Accommodation Strategy – Peterborough City Council

DRAFT Safe Accommodation Strategy October 2021 – March 2024

Peterborough City Council

1.0 Context

The Domestic Abuse Act 2021 set in statute that Tier One authorities must prepare and publish a local strategy based on a robust needs assessment that sets out the ways in which provision for accommodation-based domestic abuse support will be developed, commissioned, and delivered, the first of which should be published by 31st October 2021. Thereafter, Strategies must be reviewed every three years.

Accommodation-based domestic abuse support includes provision of support to victims and their children in a range of settings, including:

- refuge accommodation
- specialist safe accommodation
- dispersed accommodation
- sanctuary schemes
- move-on or second stage accommodation

Alongside provision of safe accommodation, the following types of domestic abuse support will be provided:

- Advocacy support – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers)
- Domestic abuse prevention advice – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation
- Specialist support for victims with relevant protected characteristics and / or complex needs (for example, interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice)
- Children’s support – including play therapy and child advocacy
- Housing-related support – providing housing-related advice and support (for example, securing a permanent home and advice on how to live safely and independently)
- Counselling and therapy for both adults and children

These services are explored in more detail later in this strategy.

Combined, this strategy clearly sets out the overall and holistic approach to deliver a rounded offer of support to victims in safe accommodation.

2.0 Identification of Local Needs

During April – June 2021 agencies provided data to inform our needs assessment, ([Welcome to Cambridgeshire DASV Partnership \(cambsdav.org.uk\)](#)), which found the following:

- A range of responses are required to meet the varied needs of clients, dependent on their risk, household structure, occupation, and tenure of property

- Services need to ensure there is a focus on meeting the needs of some groups, in particular:
 - Having staff who can communicate with Lithuanian and Polish women in their native language
 - Ensuring services reach older people and provide an accessible service which meets specific needs
- A high proportion of victims identified by the data gathered are living in social housing. This highlights the importance of housing providers and associations working towards Domestic Abuse Housing Alliance (DAHA) accreditation
- Lack of supported safe accommodation for men, women with teenage boys, and for others where shared refuge accommodation would not be appropriate
- Mental health and substance misuse are the most common needs of women in refuge accommodation. They are also a key reason why women are not able to access refuge accommodation. There is a need for specialist support for those women where there are complex needs and shared accommodation with children would not be appropriate, as well as requiring more support from staff
- Over half of those reporting a housing need due to domestic abuse have dependent children
- There is a need for flexible support to ensure victims are able to live in safe accommodation, which may include increasing the safety of their own home, or identifying alternative accommodation. Those suffering domestic abuse must be able to have choice and control over where they live and the ability to maintain social capital (e.g. employment, schools, community support) for them and their children
- There is often a need for emergency/temporary accommodation whilst other accommodation is arranged – this could be for days or months, depending on a range of factors
- Victims with no recourse to public funds and uncertain immigration status can be particular issues, where there can be huge barriers in accessing accommodation, and there is need to ensure victims in this category are supported whilst applying for any relevant concessions
- There is a need to ensure support is made available for those who are in local authority temporary accommodation due to fleeing domestic abuse
- Relevant recommendations from the Shaping Our Lives ‘A Refuge for All’¹ project should be implemented including;
 - refuge spaces that are accessible for a range of disability needs, not just wheelchair access
 - considering personal care needs of women in refuges and how these can be provided safely

¹ <https://www.shapingourlives.org.uk/wp-content/uploads/2018/02/Shaping-our-Lives -A-Refuge-for-All-findings-report-online.pdf>

- Ensuring there are suitable accommodation options for older victims (over 60), especially those without care and support needs for whom residential or respite care would not be appropriate

Key challenges for the Domestic Abuse system, are currently:

- Provision of easily accessible accommodation to those at risk of abuse and their children, but where it is safe to stay within the county if provided with additional support
- Provision of therapeutic support to victims and their children who have experienced domestic abuse
- Ensuring greater support is provided to the housing sector to improve awareness and support to those experiencing domestic abuse
- Ensuring a consistency of support across both urban and very rural areas,

2.1 Local Need – Peterborough Headline Figures, 2020-21

From April 2020 to March 2021:

Police Incidents with a domestic abuse (Peterborough Only): 5,505- up 3.45% on 2019/20

Cases referred to the Independent Domestic Abuse Adviser (IDVA) Service (Peterborough only): 862, up from 646 in 2019/20 – a 33.4% increase

Domestic Abuse victims supported by the Victim and Witness Hub: 621

Number using the four refuge services (across Cambridgeshire and Peterborough) – 90 adults and 112 children – all but 5 victims came from outside Cambridgeshire and Peterborough, mainly from the East and South East of England – an increase of 17.7% on 2019-20

Number using the local Sanctuary Scheme (Cambridgeshire and Peterborough) to increase the security of their home, in conjunction with domestic abuse support – 331 and 526 children, compared with 293 in 2019/20

Each year there is an increase in referrals to specialist domestic abuse services. It is likely that increases in awareness and of resources contribute to this growth. It is anticipated that there will be continuous growth in those seeking domestic abuse support across the three years of this strategy.

3.0 Whole Housing Approach to Domestic Abuse

Our strategy is based on a Whole Housing Approach model. Cambridgeshire County Council with Peterborough City Council and our partners were one of the key delivery systems in developing and adopting the Whole Housing Approach (WHA), with funding from the Ministry of Housing, Communities and Local Government (MHCLG) from 2018 to 2021. This approach is endorsed by the Domestic Abuse Commissioner, Nicole Jacobs, as well as being highlighted as good practice within the Domestic Abuse Act Guidance. The approach has enabled victims of domestic

abuse to access safe accommodation regardless of the tenure of property and enables specialist domestic abuse staff to offer a range of flexible options with regards to increasing the safety of those suffering domestic abuse and their children. A whole system approach is needed to effectively address the key issues and barriers experienced by survivors and to ensure they have access to a safe place to call home. The WHA model offers a framework for the domestic abuse and housing sectors to work together to address the immediate and longer-term housing needs of survivors. The model incorporates the experiences of survivors, the expertise of system leaders, and established, evidence-based practice.

In adopting this approach, we can ensure access to a range of tailored housing options and initiatives to give people experiencing domestic abuse the choice to either relocate or remain in their existing accommodation. The full suite of housing options enables agencies and organisations to work together more collaboratively. Effective coordination efforts consider the long-term safety of the victim/survivor and their children, as well as managing crisis situations.

This strategy will ensure the needs of all victims with relevant protected characteristics are considered and met, including sex, race, gender, language, religion, sexual orientation, age, state of health and disabilities. The action plan will set out how the barriers faced by victims with relevant protected characteristics and / or multiple complex needs, will be addressed.

Based on the Whole Housing Approach model, and informed by our needs assessment and data, our strategy has three key aims:

- To achieve earlier identification and intervention for domestic abuse through access to domestic abuse support, local authority housing advice, and social and private landlords
- To achieve a reduction in the number of people who are made homeless because of domestic abuse
- To increase housing sustainment options so that people experiencing domestic abuse can remain safely in their home when it is their choice to do so, or do not lose their tenancy status if they relocate.



4.0 How we will address the Needs in Peterborough

The following section describes the services and interventions that we will develop, commission and/or deliver to meet the objectives of this strategy.

4.1 Refuge Support

We will provide the support costs for a refuge, equating to space for 8 women and up to 18 children at any given time. These will be available to those fleeing from out of area, and within area if there is a significant distance and this is deemed to be safe. Within the package, there will be funding for children’s support workers and a flexible fund to enable those who need it to access talking therapies. In addition to this, refuge will have access to “Flexible Funding”, to support those moving on from refuge, who will need resources to support their new home. All refuges will be expected to be as accessible as possible to those with additional support needs, in line with “Refuge for All” principles.

4.2 Dispersed Safe Accommodation

This will increase the options and choice for survivors across Peterborough. The accommodation is primarily for residents in this area who are being abused. It will provide access to safe accommodation for: victims/survivors and their children who are not able to live in a communal facility; people who need a carer; large families; those with disabilities; people with pets; male victims; families with teenage boys (many refuges will not allow boys over the age of 12); people from the LGBT community; and BAME victims whose needs are not met with traditional accommodation and the risk and needs of the victim will be paramount.

Being supported in this accommodation may mean the survivor may not have to give up their job; this is important for those who are homeowners and have a mortgage to pay. Survivors can still access their support network if safe to do so, and they will have regular support provided by the Housing IDVAs who will support them to move back to their own homes with all safety measures in place, for example Occupation Orders, Restraining Orders, and target hardening where this is safe to do so.

Homes will be sought from private landlords for a period of a year, which would be extended on announcement of further funding. The properties will be furnished and available across the county, with the aim of a minimum of two properties per local authority area (12 in total across Cambs and Peterborough) and will build upon this number. The cost of the rent is either collected by Housing Benefit payments if the client is in receipt of Universal Credit or by direct payments if they are working. The clients are responsible for the utilities and they are supported by the officers to set up payments of these. As part of our service we will aim to have a dedicated team that are on call for extended hours, seven days a week as part of a rota system.

4.3 Housing IDVAs

A team of six Housing IDVAs across Cambs and Peterborough will offer a direct service to victims/survivors who attend a housing service, there will be a dedicated role within Peterborough. They will be partially co-located in the housing advice teams and will support victims/survivors, offering advice on safety planning and risk management. They also offer case management support and deliver awareness raising training to staff based in these departments. They will also offer support to those in temporary local authority accommodation who have suffered domestic abuse.

4.4 Housing First

A specialist Domestic Abuse Housing First role will focus on those who have suffered domestic abuse, and who find it difficult to engage with standard support services due to multiple disadvantages and are homeless. This post will link with the IDVA service and would receive specialist training and support.

4.5 Flexible Funding

Flexible funding supports victim/survivors to achieve or maintain safe and secure housing. It is low-barrier and does not require victim/survivors to provide evidence of abuse and is not means tested. Unlike most other funding sources, there is no set list of what will be funded and victims/survivors are encouraged to ask for whatever will make the most difference to their housing situation and their lives, in order that the victim/survivor and their children can stay safe. This will only be offered in conjunction with working with a domestic abuse specialist.

4.6 Additional security

The Bobby Scheme works with domestic abuse specialists to enable households at risk of further domestic abuse to remain in their own homes and reduce repeat victimisation through the provision of enhanced security measures. This is delivered in conjunction with working with a domestic abuse specialist.

4.7 DAHA Accreditation

The Domestic Abuse Housing Alliance's (DAHA) mission is to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of

standards and an accreditation process. Peterborough housing team and Cross Keys Homes are in the process to be DAHA Accredited by March 2023.

4.8 Managed Reciprocals

This is a mechanism whereby those suffering domestic abuse in a social tenancy are able to relocate to a different area within Cambridgeshire whilst maintaining their security of tenure. This is delivered in conjunction with other resources such as the Bobby Scheme and specialist domestic abuse support.

4.9 Therapeutic Support for children experiencing domestic abuse

To provide specialist trauma informed counselling and therapeutic support for children who are victims of domestic abuse.

4.10 Mobile Advocacy Outreach Support

This is a direct service to victims/survivors, at location of their choosing including a range of community settings where the service can expand their access. Support is offered to victims/survivors to secure stable housing, which includes exploring and pursuing options for remaining in an existing property and relocating if needed for safety reasons. The specialist workers would have access to all elements within this strategy.

4.11 Awareness of Domestic Abuse Amongst Social Landlords

Working with local private landlords and the local Private Rented Sector team in the Local Authorities to increase the awareness of domestic abuse and how this affects their tenants, and awareness of how private landlords can assist where there is domestic abuse.

4.12 Sheltered Accommodation/Supported Accommodation/Hostels

For all commissioned providers to have a domestic abuse policy for staff and residents. Ideally working towards or having DAHA Accreditation, or “Make a Stand²” accreditation from the Chartered Institute of Housing.

4.13 Victims with No Recourse to Public Funds

The Housing IDVAs and Mobile Advocacy Support Workers will work with clients with NRPF status to access the Domestic Violence Concession from the government where possible. Where a client is not eligible for this, they would still be eligible for all the options outlined within the strategy, with the exception of local refuge accommodation (if refuge is required, a placement would be sought elsewhere).

5.0 Delivery

This strategy will be overseen by the Domestic Abuse Partnership Board and Operations Group, in conjunction with the Tier 2 Local Authorities as part of the “Sub-Regional Housing Meeting”. Once published a working action plan will be developed to ensure all elements are working in conjunction with each other and the needs of all victims are being met appropriately, and there will be mechanisms in place to ensure effective oversight.

² <https://www.cih.org/policy/make-a-stand>

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CABINET	AGENDA ITEM No. 8
15 November 2021	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Andy Coles, Cabinet Member for Finance	
Contact Officer(s):	Peter Carpenter, Corporate Director of Resources Kirsty Nutton, Acting Service Director: Financial Services	Tel. 452520 Tel. 384590

BUDGET CONTROL REPORT SEPTEMBER 2021

RECOMMENDATIONS	
FROM: Director of Corporate Resources	Deadline date: N/A
<p>It is recommended that Cabinet notes:</p> <ol style="list-style-type: none"> 1. The budgetary control position for 2021/22 at 30 September 2021 is a forecast breakeven position. 2. The key variance analysis and explanations are contained in Appendix A. 3. The Council's performance with respect to Business Rates (NNDR) and Council Tax Collection, as outlined within section 6. 4. The Council's reserves position, as outlined within Appendix B. 5. The Council's capital financial performance as outlined in Appendix C. <p>It is recommended that Cabinet approves:</p> <ol style="list-style-type: none"> 6. Capital Budget virements as outlined in Appendix C, these include: <ol style="list-style-type: none"> a. £0.018m - Capital funding for re-landscaping works at the Dell (funded from Section 106 contribution) b. £0.014m - Capital funding for re-landscaping works at Hampton Court (funded from Section 106 contribution) 	

1. ORIGIN OF THE REPORT

- 1.1. This report is submitted to Cabinet following discussion by the Corporate Management Team (CMT).

2. PURPOSE AND REASON FOR REPORT

- 2.1. This report is for Cabinet to consider under its Terms of Reference No. 3.2.7 'To be responsible for the Council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit'.
- 2.2. This report provides Cabinet with the forecast outturn for 2021/22 as at September 2021 budgetary control position.

3. TIMESCALE

Is this a Major Policy Item/ Statutory Plan	No	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept.	N/A

4. SEPTEMBER 2021 BUDGETARY CONTROL REPORT (BCR)- REVENUE

4.1. The revenue budget for 2021/22, agreed at Full Council on 3rd March 2021, was approved at £187.3m. The following table outlines the changes which have been made to the budget to arrive at the revised budget of £187.7m.

Reconciliation of agreed MTFS budget to current budget	£m
Approved Budget 2021/22	187.255
Earmarked Reserves: Place & Economy and People and Community	1.242
Capacity Reserve Contribution: Resources and Place & Economy	0.234
Revised Budget 2021/22	188.731

4.2. The following table summarises the budgetary control position by directorate:

Directorate	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movemen t £k	Overall Status
Chief Executives	1,219	1,272	52	63	(10)	Overspend
Governance	4,169	3,987	(182)	(120)	(62)	Underspend
Place & Economy	24,021	23,080	(941)	(715)	(227)	Underspend
People & Communities	100,675	105,666	4,992	5,426	(435)	Overspend
Public Health	(188)	(239)	(51)	(51)	-	Underspend
Resources	22,763	20,362	(2,400)	(1,807)	(593)	Underspend
Customer & Digital Services	7,356	7,144	(212)	(256)	44	Underspend
Business Improvement	722	699	(23)	(20)	2	Underspend
Capital Financing	27,994	25,328	(2,666)	(2,666)	0	Underspend
Total Expenditure	188,731	187,299	(1,432)	(146)	(1,286)	Underspend
Financing	(185,497)	(187,299)	(1,802)	(3,690)	1,888	Underspend
Exceptional Financial Support (Capitalisation Direction)	(3,234)	-	3,234	3,836	(602)	Less borrowing forecast
Net	-	-	-	-	-	Breakeven

4.3. As at the end of September, the Council is forecasting a break-even outturn position. This position assumes the Council will not use any of the conditional Capitalisation Direction (borrowing to fund revenue costs) during 2021/22. It is also forecast to reduce the revenue funding required from reserves by £1.5m, from the budgeted £10.5m. This is due to the updated forecast outturns as outlined in the following points.

4.4. Key variances within the Council's financial position include:

Favourable Variances

- **Capital Financing** – Reduced borrowing from 2020/21 financial year contributing to a reduction in interest payments, and additional savings forecast on the timing of new borrowing taken during the current financial year resulting in a forecast saving of £2.7m.
- **Financing overall Position:**
 - The Council is expected to receive £2.2m share of the benefit gained via the Cambridgeshire and Peterborough Business Pool Rates for 2021/22. This forecast has reduced from the £2.5m previously reported as it reflects latest Quarter 2 Pool position. This was not included within budget due to the timing of the receipt of information to inform the budget estimate.
 - The Government Sales Fees and Charges compensation scheme extended to cover April – June resulting in a forecasted grant receipt of £1.1m.
 - These two favourable variances are offset by reducing the use of reserves by £1.5m, as the favourable position means this is not required to fund revenue expenditure.
- **Resources** – The Pension actuary completed the cessation assessment for Peterborough Culture and Leisure Trust (Vivacity) which resulted in favourable variance of £1.3m. This has enabled a single year reduction to the secondary contributions to the Pension Fund for the year 2021/22 to be made. This variance is the result of the Funding and Management Agreement with Vivacity and the risk agreement for pension contributions.
- **Place & Economy** – There has been a significant increase in wholesale export price of electricity produced by the Energy Recovery Facility. This is resulting in a favourable variance of £1.1m due to the market showing faster signs than expected of recovery.
- **Place & Economy** – the Council's 100% owned company, Aragon Direct Services (ADS), are reporting an improvement in its financial position, resulting in a favourable variance of £0.5m due to anticipated reduction in costs to the Council.

Adverse Variances

- **People & Communities** – Parking services are reporting a loss of £1.5m due to loss of income in relation to Parking Charges continuing to be affected by reduced footfall in the city and Environment Enforcement Services. See 5.1 below on Sale Fees and Charges income for mitigating funding.
- **People & Communities** - Think Communities are reporting a £1.1m loss of income within the Culture and Leisure Services, as a result of the social distancing and lockdown restrictions in place throughout April- June which impacted on incomes streams.
- **People & Communities** – Children's Operation are forecasting an additional spend of £0.9m, this is due to an increase in high demand for family safeguarding and Early Help Services.
- **People & Communities** - Children's Commissioning is reporting an adverse variance of £0.8m due to increased child protection and family support referrals. Additional adverse forecast variances are due to short breaks and homecare periods for out of school for Children with Disabilities.
- **Place & Economy** - An additional £0.5m of expenditure within Housing Services is forecast due to the cost of using Hotels and B&B's, and associated security and maintenance costs. This additional expenditure is offset with the Rough Sleeper Initiative grant and the Rapid Rehousing Pathway grant held in the departmental reserve.

4.5. Further details regarding the service forecast variances are outlined within Appendix A of this report.

5. External Financial and Governance Assurance Review

5.1. On 2 November the Department of Levelling Up, Housing & Communities (DLUHC, formerly known as MHCLG) published the [Financial Assurance Review](#), completed by CIPFA, the [Governance Assurance Review](#), completed by Andrew Flockhart and the [ministerial statement](#). The reports outline the seriousness of the Councils financial position and made recommendations for action the Council should take in order to improve this position and achieve financial sustainability.

5.2. The Council has been actively working on many areas the recommendations cover, and has already started to take steps towards tackling the financial and governance issues raised in these reviews. These actions include:

- a cross-party member working group (Financial Sustainability Working Group) has been established and with recommendations going to Cabinet and onto Full Council which amount to circa £10m of savings in the first phase of the budget;
- increased staff resource for developing phase two of the budget has been put in place, to work up transformation and budget options to deliver savings.
- a programme of ongoing challenge and support from CIPFA has started which will examine all major areas of spend across the Council;
- preparation for establishing an Improvement Board, meaning the Board can be commissioned immediately on publication of these reviews;
- a review of the Audit function of the council which is likely to see the appointment of an external independent chair.
- appointment of a new Chief Executive to give the council dedicated and additional management capacity is in progress;
- the Council is working to a single improvement plan, covering all revenue and capital budgets; emerging pressures and risks. This will detail and review all the council's assets, capital programme, and contracts.

A detailed Improvement Plan is in development and will be published in due course outlining all steps being taken to address the issues highlighted within these reports.

6. Business Rates and Council Tax

Business Rates (NDR)

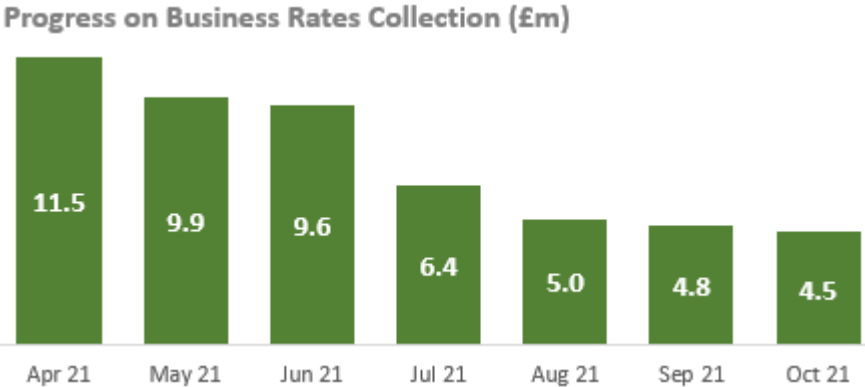
6.1. During 2020/21 many 'Material Change in Circumstance' (MCC) appeals have been raised by businesses due to the impact C-19 restrictions. The government announced that it would legislate "to rule-out C-19 related MCC appeals". Instead, Local Authorities would be allocated a share of a new £1.5bn grant that can be used to provide business rates relief to support those local businesses most affected by the pandemic. Changes to legislation, for both proposals, is still due to go through parliament and it is expected this will now take place in Winter.

6.2. The government required Councils to provide the initial Extended Retail, Hospitality and Leisure relief at 100% for the first three months of 2021/22, which meant the Council had to apply this to the whole year in the first instance, creating the net collectable debit (NCD) of c£72m. As per the government policy the

Extended Retail Relief was then altered to 66% from 1 July, for the remaining 9 months with the introduction of a cash cap. Applying these changes to the Business Rates system then increased the NCD to c£86m.

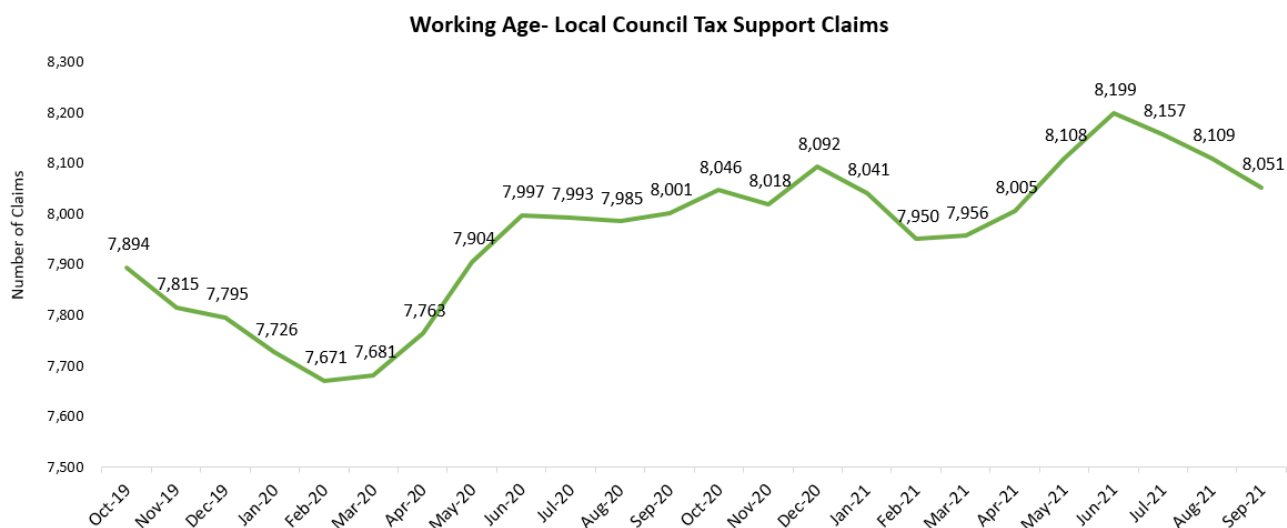
6.3. The Council’s collection rate for Business Rates income is now **11.3%** (*11.8% August*) behind target for 2021/22. The collection rate declined in July as a result of billing the changing rates of the extended retail relief as previously explained. This meant that even though the amount of business rates collected had continued to increase throughout, it presents as a lower percentage against the total amount now due, resulting in a sharp drop in the collection rate. The affected ratepayers were required by law to be given until 1 September before paying their first instalment and as such, there will be a in delay in business rates collection, resulting in a change of collection profile. It is expected over the course of the year the collection rate will gradually improve.

6.4. The Council reported within the 2020/21 Outturn Report that it had £11.5m of uncollected Business Rates income at the end of the financial year which equated to an annual collection rate of 81.83%, much lower than the average collection rate of 97.86%. The Council had put recovery action for these debts on hold in 2020/21 as a result of government guidance and to support local businesses. However, active recovery commenced in February 2021, with an action plan put in place to collect the outstanding balances. This includes the use of additional temporary resource, regular monitoring and more frequent reminder/recovery letters which is in addition to the standard recovery procedures. Since the 1 April 2021 these actions have reduced the outstanding balance by **61% to £4.5m**, as shown in the following chart:



Council Tax

6.5. Local Council Tax Support (LCTS) working age caseloads have continued to rise throughout the pandemic, with the most recent monthly position reducing and showing month on month improvement. Since the start of the pandemic there has been a net increase of **380 households receiving support, a 5% rise**. Prior to the C-19 pandemic the working age caseloads were steadily reducing however the pandemic has created significant economic uncertainty. The impact of three periods of Lockdown has seen residents lose sources of income, jobs and placed on furlough. The following chart illustrates the monthly trend:



6.6. Despite the increase in LCTS caseloads the collection rate for **Council Tax income collection is roughly on track, only 0.08% behind target (0.12% ahead of the target in August) for 2021/22**. This performance will remain under close observation throughout 2021/22 especially as the economy recovers and government road map progresses.

7. APPENDICES

7.1. Further information is provided in the following appendices:

- Appendix A – Budgetary Control Report Dashboard- September 2021
- Appendix B – Reserves Position
- Appendix C– Capital Programme – September 2021

Appendix A- Budgetary Control Report Dashboard

Period **Sep-21**

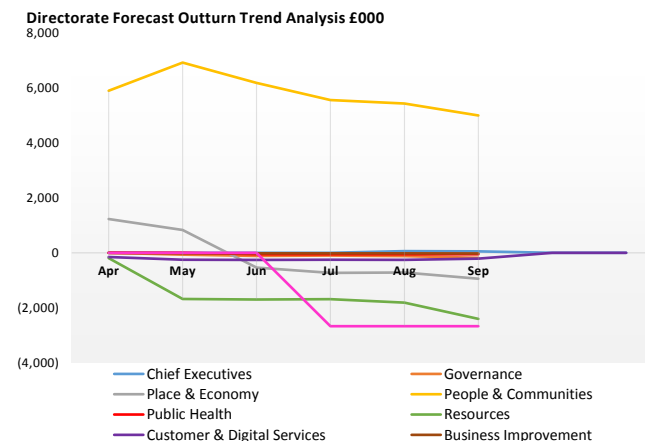
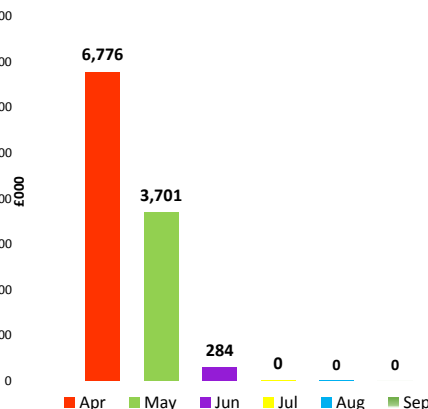


£0.0m Forecast Breakeven

0.0% Forecast Breakeven

September's forecast position of no change in comparison to August

Directorate	Budget £k	Forecast Spend £k	Variance £k	Previous Month		Overall Status
				Variance £k	Movement £k	
Chief Executives	1,219	1,272	52	63 ▲	(10)	Overspend
Governance	4,169	3,987	(182)	(120) ▲	(62)	Underspend
Place & Economy	24,021	23,080	(941)	(715) ▲	(227)	Underspend
People & Communities	100,675	105,666	4,992	5,426 ▲	(435)	Overspend
Public Health	(188)	(239)	(51)	(51) ▲	(0)	Underspend
Resources	22,763	20,362	(2,400)	(1,807) ▲	(593)	Underspend
Customer & Digital Services	7,356	7,144	(212)	(256) ▼	44	Underspend
Business Improvement	722	699	(23)	(20) ▲	(2)	Underspend
Capital Financing	27,994	25,328	(2,666)	(2,666) ▬	0	Underspend
Total Expenditure	188,731	187,299	(1,432)	(146)	(1,286)	Underspend
Financing	(185,497)	(187,299)	(1,802)	(3,690) ▼	1,888	Underspend
Support (Capitalisation Direction)	(3,234)	0	3,234	3,836 ▲	(602)	Reduction in Borrowing
Net	(0)	0	0	0 ▼	0	Breakeven



Key Budget Pressures

Support (Capitalisation Direction)	3,234	Reduction in the requirement to borrow to fund the net revenue expenditure budget.
Financing (Contribution from Reserves)	1,476	In August the Council proposed to use £10.5m from reserves to fund revenue expenditure, in place of the previously budgeted for Capitalisation Direction. This use of reserves is forecast to reduce by £1.5m, as the favourable position means this is not required to fund revenue expenditure.
People & Communities	1,469	Parking: Loss of income in relation to Parking charges and Parking and Environment Enforcement Services.
People & Communities	1,115	Think Communities: Loss of income between April - June 2021 in relation to access to Leisure Facilities and Cultural Events.
People & Communities	858	Childrens: Forecast additional spend as a result of rising demand for Family Safeguarding and Early Help Services.
People & Communities	822	Childrens: Additional forecast spend on Children's placements, Children's with disabilities and Short Break Commissioning.
People & Communities	705	Commissioning: Pressure as a result of reduced occupancy at Clare Lodge.

Key Favourable Variances

Capital Financing	2,666	Reduced borrowing in 20/21 meaning reduction in interest payments than originally forecasted, as well as additional savings forecasted on the new borrowings.
Finance	2,180	The Council is expected to receive £2.180m share of the benefit gained via the Cambridgeshire and Peterborough Business Pool Rates for 2021/22. This forecast has reduced from the £2.490m previously reported as it reflects latest Quarter 2 Pool position reported by all member local authorities. This was not included within the budget due to timing of the available forecast and the uncertainty surrounding the estimates resulting from the economic impact of Covid-19.
Resources	1,337	Corporate: The pension actuary completed the cessation assessment for Peterborough Culture and Leisure Trust (Vivacity) which resulted in receiving in single year reduction to their secondary contributions for the year 2021/22.
Finance	1,098	The Government Sales Fees and Charges (SFC) compensation scheme was extended to cover April - June. The Council is still experiencing income losses, particularly on parking, Culture and Leisure Services, with forecast grant for the SFC scheme was expected to be £1.1m.
Place & Economy	1,095	Waste Cleansing and Open Spaces: Significant increase in wholesale export price of electricity produced by the Energy Recovery Facility due to the market showing significantly faster signs of recovery.
People & Communities	535	Adults Operations: difficulties in recruiting appropriately qualified staff resulting in new appointments being at a lower spinal column point or a reduction in hours compared to budget
Place & Economy	500	Waste Cleansing and Open Spaces: Aragon Direct Services are projecting an improvement in their financial position resulting in anticipated costs to the Council now being lower.

£5.0m

Forecast Overspend

5%

Forecast Overspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
People & Communities	Director	1,596	1,591	(5)	2 ▲	(7)	Underspend
People & Communities	Education	6,689	6,651	(38)	18 ▲	(55)	Underspend
People & Communities	Adults - Commissioning	46,965	46,839	(126)	45 ▲	(171)	Underspend
People & Communities	Adults - Operations	9,888	9,283	(605)	(485) ▲	(120)	Underspend
People & Communities	Children's - Operations	12,015	12,803	788	771 ▼	17	Overspend
People & Communities	Children's Commissioning	18,079	18,786	707	822 ▲	(115)	Overspend
People & Communities	Commissioning Team and Commercial Operations	479	1,192	713	713 ▬	0	Overspend
People & Communities	Communities - City Centre Management	348	529	181	181 ▬	0	Overspend
People & Communities	Communities - Cohesion and Integration	1,106	1,058	(49)	(19) ▲	(30)	Underspend
People & Communities	Communities - Community Safety	(1,343)	1	1,345	1,243 ▼	102	Overspend
People & Communities	Communities - Think Communities	3,137	4,288	1,151	1,150 ▼	1	Overspend
People & Communities	Communities-Regulatory Services	1,716	2,323	607	688 ▲	(82)	Overspend
People & Communities	Children's & Safeguarding (DSG)	6,042	6,257	215	215 ▬	0	Overspend
People & Communities	Commissioning and Commercial Operations (DSG)	11	11	0	0 ▬	0	On Budget
People & Communities	Education (DSG)	(6,053)	(5,945)	108	83 ▼	25	Overspend
	Total People & Communities	100,675	105,666	4,992	5,426 ▲	(435)	Overspend

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Directorate Overview

The People and Communities Directorate is currently forecasting an overspend of £4.992m. The overspend is split between Covid-19 impact overspend of £5.028m and a forecast underspend of £0.036m relating to non-Covid 19 activity .

The Covid-19 Impact is broken down as follows: -

- *£1.998m additional spend in response to Covid-19.
- *£2.963m forecast under achievement of income.
- *£0.460m pressure re Non-achievement of Medium Term Financial Strategy (MTFS) savings.
- *£0.393m saving in relation to reduced spend.

Directorate Variance Analysis

Education	<p>£0.150m forecast pressure as a result of lost income within the School Improvement service. This includes:</p> <ul style="list-style-type: none"> * £0.050m - School Improvement traded services as Schools are prioritising Covid-19 recovery. * £0.100m - Attendance Fine Fixed Penalty Notices relates to where parents take children out of school during term time for holidays or other unauthorised absence. Due to historic experience of the level of notices being issued a budget was built into the Medium Term Financial Strategy (MTFS). However there is forecast pressure recognised as income is unlikely to return to pre-pandemic levels until restrictions on foreign travel are lifted and penalty notices are issued as a deterrent for parents for taking children out of school.
Adults - Commissioning	<p>£0.058m - NESTA have been commissioned to review the health and social care system around Discharge to Assess (hospital discharges) redesign including elements such as timely discharges from hospital, seven day working reducing delayed discharges and reviewing support to patients through the process</p> <p>£0.156m favourable re Mental Health Section 75 agreement based on Cambridgeshire and Peterborough Foundation Trust (CPFT) forecast underspend predominantly due to staffing vacancies and difficulty in recruitment for social workers and Approved Mental Health Practitioners (AMHPs)</p>

<p>Adults - Operations</p>	<p>£0.129m forecast pressure due to additional spend required as a result of Covid-19, this includes:</p> <ul style="list-style-type: none"> * £0.045m for additional Occupational Therapy capacity to deal with increased demand for services from hospital discharges and disabled facilities grant cases awaiting reviews * £0.065m for extension of temporary resource in Transfer of Care (Hospital Discharge) Team to continue to support the health and social care system in discharging patients in a timely manner. <p>£0.535m forecast favourable on staffing costs, is mainly due to the difficulties in recruiting to vacancies due to availability of appropriately qualified staff, new appointments being at a lower spinal column point or reduced hours in comparison to budget.</p> <p>£0.153m forecast favourable on Mental Capacity Act/Deprivation of Liberty Standards services for Best Interest Assessors and section 12 Doctors. Forecasting includes reduced requests and backlog of Court of Protection cases still impacting</p>
<p>Children's - Operations</p>	<p>£0.858m forecast pressure as a result of additional expenditure required as a result of Covid-19. This includes:</p> <ul style="list-style-type: none"> * £0.578m - Assessment and Family Safeguarding demand, additional recourses will be required due to the already increasing numbers of assessments and referrals. * £0.263m - Additional Early Help costs - additional resources are required to respond to a rise in Children's Social Care referrals which will require Early Intervention services. * £0.017m - Additional Youth Family worker to cover a staff member having to shield
<p>Children's Commissioning</p>	<p>£0.822m forecast pressure as a result of additional expenditure resulting from Covid-19. This includes:</p> <ul style="list-style-type: none"> * £0.630m - Childrens Social Care (CSC) Placements - due to increased child protection and family support referrals, which will in turn result in a rise in Local Authority Care (LAC) numbers. * £0.121m - Children with Disabilities - Additional Short Breaks and Homecare for periods out of School * £0.049m - Short breaks Commissioning with Circles Network
<p>Commissioning Team and Commercial Operations</p>	<p>£0.705m forecast pressure in relation to Clare Lodge, this is based on average occupancy of 10 young people. The £0.699m forecast overspend represents:</p> <ul style="list-style-type: none"> * A projected shortfall of income of £1.193m based on reduced average occupancy of 10 young people * Off-set by reduced expenditure (including staffing and agency) of £0.494m.
<p>Communities - City Centre Management</p>	<p>£0.181m forecast pressure includes: £0.112m forecast loss of income at the Market due to non-essential traders having not yet reopened stalls following the Lockdown 3.0 restrictions, £0.040m as a result of the Government extension to the lower charge rate in relation to outdoor seating and £0.015m as a result of the 2021 Great Eastern Run being cancelled.</p>
<p>Communities - Community Safety</p>	<p>£1.469m forecast pressure due to loss of income across multiple services including £0.678m from Parking charges, £0.355m from Parking Enforcement and £0.437m from Environmental Enforcement. Actual parking income continues to be significantly less than budget due to the reduction in footfall within the town centre due to Covid-19. Environmental Enforcement staff are still being redeployed to support the Covid-19 response. Parking Enforcement is fully operational but income will be dependent on footfall in the town centre.</p>
<p>Communities-Regulatory Services</p>	<p>£0.291m forecast pressure within the Coroners service as a result of unusually complicated and high profile cases (£0.082m), Covid-19 (£0.078m) and Business as Usual (£0.131m). This is due to the requirement to adhere to strict Covid-19 guideline regarding PPE and a backlog of cases, therefore there is a need to appoint additional area coroners and assistant coroners. There is also a need for additional ICT, due to a shortage of Covid-19 secure premises for remote inquests.</p> <p>£0.362m forecast pressure within the Housing Enforcement team of which £0.394m relates to Selective Licensing as a result of the delay in obtaining agreement for the new scheme which is offset by a forecast underspend in Housing Enforcement.</p>
<p>Communities - Think Communities</p>	<p>£1.115m pressure resulting from lost income within the Recreation and Culture services, covering the period April to June 2021. This is due to Covid-19 restrictions in relation to access to Leisure Facilities such as swimming and gyms and also Cultural events such as the Key Theatre, Flag Fen and Exhibitions. Recovery plans are in place for Recreation and Culture but will not mitigate losses already incurred.</p>

£-0.1m Forecast Underspend



0%

Forecast as a proportion of the Expenditure Budget (exc the Public Health Grant)

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Public Health	Children 0-5 Health Visitors	3,974	3,975	1	1	0	Overspend
Public Health	Children 5-19 Health Programmes	942	889	(53)	(53)	0	Underspend
Public Health	Sexual Health	1,999	1,999	0	0	0	On Budget
Public Health	Substance Misuse	2,308	2,308	0	0	0	On Budget
Public Health	Smoking and Tobacco	286	286	0	0	0	On Budget
Public Health	Miscellaneous Public Health Services	1,428	1,429	1	1	0	Overspend
Public Health	Public Health Grant	(11,124)	(11,124)	0	0	0	On Budget
	Total Public Health	(188)	(239)	(51)	(51)	0	Underspend

Directorate Overview

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The Public Health Directorate is forecast to underspend by £0.052m. A review of Public Health budgets will be undertaken with the recently appointed Director of Public Health.

Directorate Variance Analysis

Children 5-19 Health

Programmes £0.070m saving - Contribution to Family Safeguarding not required until financial year 2022/23

Children 5-19 Health

Programmes £0.017m pressure - A one year only contribution is required to the cost of the CHUMS (Mental Health and Emotional Wellbeing Service) contract which offers support to young people with mental health difficulties.

£-0.2m

Forecast Underspend



-4% Forecast Underspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Governance	Director of Governance	130	113	(17)	(18) ▼	1	Underspend
Governance	Legal Services	1,826	1,741	(85)	2 ▲	(87)	Underspend
Governance	Constitutional Services	2,032	1,929	(104)	(132) ▼	28	Underspend
Governance	Performance & Information	181	205	24	28 ▲	(4)	Overspend
Total Governance		4,169	3,987	(182)	(120) ▲	(62)	Underspend

Directorate Overview

The Governance Directorate is currently reporting a favourable variance within the service of £0.182m

Directorate Variance Analysis

Constitutional Services

£0.103m Favourable - £0.077m saving in Members Services of which £0.060m is a saving in members allowances due to some members doing more than one role and only able to claim one Special Responsibility Allowance. Remaining savings due to no travelling, less supplies and services like postage, printing and photocopying.
£0.075m saving in salaries due to two vacancies. £0.049m other misc pressures

£-2.4m Forecast Underspend



-11% Forecast Underspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Resources	Director's Office	269	278	9	9 ▲	(0)	Overspend
Resources	Financial Services	3,962	3,851	(111)	(126) ▼	16	Underspend
Resources	Corporate Items	9,432	7,887	(1,546)	(1,407) ▲	(138)	Underspend
Resources	Peterborough Serco Strategic Partnership	8,084	7,544	(541)	(379) ▲	(162)	Underspend
Resources	Corporate Property	2,062	1,979	(83)	(83) ▲	(0)	Underspend
Resources	Energy	478	300	(179)	161 ▲	(339)	Underspend
Resources	Cemeteries, Cremation & Registrars	(1,525)	(1,476)	49	18 ▼	31	Overspend
Total Resources		22,763	20,362	(2,400)	(1,807) ▲	(593)	Underspend

Directorate Overview

Resources Directorate is currently reporting a favourable variance against budget of £2.400m. The main variances at this stage are pension cost savings following the Vivacity cessation assessment and savings within the Peterborough Serco Strategic Partnership Business Support contract due to the freezing of core vacancies until transformation work takes place.

Directorate Variance Analysis

108	Financial Services	<p>£0.065m Favourable - Savings are expected within the salary budgets within Financial Services. £0.057m of this underspend is related to a secondment of an Internal Audit member of staff to the Community Hub for the remainder of the financial year. The salary costs will be Covid-19 grant funded.</p> <p>£0.046m Favourable - Other savings identified across the service area, including £0.020m expected saving in salary related costs generated from the operation of the corporate car lease salary sacrifice scheme.</p>
	Corporate Items	<p>£1.337m Favourable - The pension actuary completed the cessation assessment for Peterborough Culture and Leisure Trust (Vivacity) following their admission ceasing on 30/09/2020. This has resulted in the Council receiving a single year reduction to their secondary contributions for the year 2021/22 to the value of 50% of the Vivacity surplus detailed in the assessment report. This variance is the result of the Funding and Management Agreement with Vivacity and the risk agreement for pension contributions.</p> <p>£0.050m Favourable - Following a review of the Compensatory Added Years and Unfunded Pension contributions, there is an expected saving against the corporate premature retirement budget. This saving is potentially partially repeatable in future years dependant on the Council's in-year pension strain funding requirements, and will be reviewed as part of the 2022/23 budget setting process.</p> <p>£0.139m Favourable - This variance is a result of the VAT shelter income received from Cross Keys Homes (CKH). This favourable position has been driven by maintenance work CKH has carried out on its properties to end of September 2021, and the expenditure profile has varied from original budgeted.</p>
	Peterborough Serco Strategic Partnership	<p>£0.100m Favourable - Final year of growth income received as part of the Peterborough Serco Strategic Partnership contract which has not been budgeted. Not repeatable in future years.</p> <p>£0.266m Favourable - Business Support contract credits (freezing core vacancies where possible until transformation work takes place), offset by centralised project costs unable to be recharged directly to projects.</p> <p>£0.231m Favourable - Following a review of the PSSP contract budget including inflationary elements, an underspend in the current year of £231k has been identified. This will be partly ongoing and a saving has been factored into the proposed 2022/23 MTFS.</p> <p>£0.050m Favourable - The Housing Benefit Subsidy budget is forecasting a £0.050m favourable position against budget at this mid year stage, mainly due to overpayments income forecast to be higher than budget.</p>
	Energy	<p>£0.100m Pressure - Court cost income collected is expected to be lower than budgeted. Due to lack of recovery activity which was restricted over the pandemic, the income was adversely affected in 2020/21. A £0.100m pressure is forecast in this year, and although this has improved on last financial year, it is in line with outturn in 2019/20 suggesting an ongoing pressure. There is no corresponding saving in administration costs.</p> <p>£0.179m Favourable - Baywa have now been appointed as asset management for the PV estate now transferred back to the council control. As Baywa are undertaking a fact find, no forecast has been made yet until we receive confirmation of expected costs and possible income. The hope is though that they will generate a favourable return.</p> <p>As the Empower loan is in the stages of being finalised, it has been possible to forecast the income receivable and interest payable to the end of October and this has resulted in a favourable position. The legal costs for insolvency advice plus an estimate of MRP charge, due to the drawdown of the loan, have partially offset some of the favourable variance.</p>

Chief Executives Sep-21

£0.1m

**Forecast
Overspend**



4% Forecast Overspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Chief Executives	Chief Executive	162	218	56	66 ▲	(10)	Overspend
Chief Executives	HR	1,057	1,054	(3)	(3) ▬	0	Underspend
	Total Chief Executives	1,219	1,272	52	63	(10)	Overspend

Directorate Overview

The Chief Executive Directorate is currently reporting an adverse variance against budget of £0.052m.

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Place & Economy	Development and Construction	(65)	(134)	(68)	(9) ▲	(59)	Underspend
Place & Economy	Director Place & Economy	151	154	3	0 ▼	3	Overspend
Place & Economy	Peterborough Highway Services	4,308	4,045	(263)	(201) ▲	(62)	Underspend
Place & Economy	Sustainable Growth Strategy	1,559	1,488	(71)	(28) ▲	(43)	Underspend
Place & Economy	Waste, Cleansing and Open Spaces	15,805	14,626	(1,179)	(1,236) ▼	57	Underspend
Place & Economy	Westcombe Engineering	26	143	117	112 ▼	5	Overspend
Place & Economy	Director of Housing	1,739	2,262	524	647 ▲	(123)	Overspend
Place & Economy	Growth & Regeneration	499	495	(4)	1 ▲	(5)	Underspend
	Total Place & Economy	24,021	23,080	(941)	(715) ▲	(227)	Underspend

Directorate Overview

The Place & Economy Directorate is currently forecasting an underspend of £0.941m. The main variances at this stage are Covid-19 related Housing Services pressures of £0.524m, offset by significant savings in Waste, Cleansing & Open Spaces.

Directorate Variance Analysis

Peterborough Highway Services	£0.129m Favourable - Employee cost savings through Highway Services £0.106m Favourable - Various cost savings and additional income Network Management (Traffic signal maintenance, bridge maintenance, New Roads Streets Work Act, etc) £0.028m Favourable - Other misc savings and additional income
Waste, Cleansing and Open Spaces	£1.095m Favourable - Energy Recovery Facility (ERF) Electricity Income - Significant Increase in wholesale export price of electricity produced by the ERF (the Council's Energy from Waste Plant operated by Viridor). A pressure of £0.5m was reflected in the Council's budget for 2021/22 due to reduction in energy prices; however the energy market overall is showing faster signs of recovery than anticipated and the Council is able to achieve an improvement in the sale price. The position will be kept under review to inform the budget setting for 2022/23
	£0.042m Pressure - Additional cost at Household Recycling Centre due to Covid-19, such as staffing, traffic management, cleansing and signage.
	£0.067m Pressure - Vehicle hire and additional staffing costs on waste collection rounds due to Covid-19
	£0.500m Favourable - Aragon Direct Services. As the financial pressures from Covid-19 start to reduce, and the replacement vehicle programme gets underway, Aragon Direct Services are projecting an improvement in their financial position for 2021/22, and the increase in costs to the Council that were set out in the budget are now forecast to be lower than anticipated.
	£0.040m Pressure - Waste treatment/recycling project - Project to improve recycling performance with the aim of delivering longer term savings on the waste treatment budget. The proposal is to significantly increase the Project Team (from Feb-22, previously Sept-21) working on education and raising awareness regarding recycling for residents in Peterborough, with a coordinated communications campaign as well as the employment of recycling advisors through Aragon. This does not return a saving in 2021/22 due to the need to employ additional recycling education officers however is likely to become cost neutral/return a saving in 2022/23 when the increases in recycling and food waste collection reduce the amount of these waste streams that are sent to the Viridor Energy Recovery facility. This investment is affordable due to the additional Energy Recovery Facility income currently being achieved.
	£0.200m Favourable - Materials Recycling Facility - Significant increase in Cardboard and Paper recycling prices, forecast to be reviewed as currently only predicting short term increase
Westcombe Engineering	£0.365m Pressure - Brown Bin Service - Due to national driver shortages the annual garden waste bin collection service which commenced in August 2021 has been suspended until January 2022. Customers to the service will receive a refund from the council for the 11 months of service which has not been provided. The new annual service is currently forecast to resume from February 2022. This means a loss of income of £630k in the current financial year, but there is a saving of £265k due to the non-delivery of the service.
	£0.102m Pressure - Other misc pressures, including Bulky Waste service, additional city centre cleansing and flytipping clearance costs
	£0.117m Pressure - Miscellaneous pressures including significant arrears in raw casting supplies leading to reduced sales in areas where profit margins are significantly higher (£0.092m) and cost of backfilling a post seconded to the Covid Hub (£0.025m)
Director of Housing	£0.496m Pressure - Housing Services - additional costs arising from housing rough sleepers in hotels and B&B's. The pressure is made up of £0.761m expenditure, which is being partially offset by £0.200m of Rough Sleeper initiative grant income and £0.065m Rapid Rehousing Programme Reserve. The council's R.S.A.P (Rough Sleeper Accommodation Programme) bid has been approved by DLUHC (The Department for Levelling Up, Housing and Communities, formerly MHCLG). Although this is capital funding this will directly reduce the Council's expenditure on hotel and B&B accommodation as more places will become available to house rough sleepers. With the plan to purchase properties in December at the earliest, depending on availability. The forecast will be further refined once the R.S.A.P schemes are established.
	£0.150m Pressure - Unachievable savings plan relating to income associated with Temporary Accommodation. The baseline budget requirement is being re-assessed in light of the modelling referred to above, and whilst this has not yet been finalised, it is judged that this element of saving is unlikely to be realised.
	£0.111m Favourable - Net savings on temporary accommodation schemes - Bushfield Court lease not now proceeding and Walton Road delayed until January 2022 at the earliest. Savings as the rent PCC pays for these properties is higher than the income received. Partly offset by additional rent costs at Redpoll Place
	£0.011m Favourable - Employee costs

£0.0m Forecast Underspend



-3% Forecast Underspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Business Improvement	Programme Management Office	722	699	(23)	(20) ▲	(2)	Underspend
	Total Business Improvement	722	699	(23)	(20) ▲	(2)	Underspend

Directorate Overview

The BID Directorate is currently reporting a small favourable variance within the service of £0.023m

£-0.2m Forecast Underspend



-3% % Forecast Underspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month Variance £k	Movement £k	Overall Status
Customer & Digital Services	IT & Digital Services	6,602	6,364	(239)	(280) ▼	41	Underspend
Customer & Digital Services	Marketing & Communications	409	433	24	24 ▬	0	Overspend
Customer & Digital Services	Resilience & Health & Safety	266	268	2	0 ▼	2	Overspend
Customer & Digital Services	Director of Customer & Digital Services	79	79	0	0 ▬	0	On Budget
Total Customer & Digital Services		7,356	7,144	(212)	(256) ▼	44	Underspend

Directorate Overview

The Customer & Digital Directorate is currently reporting an overall favourable variance of £0.212m against budget. The main variances are within IT & Digital service area, primarily through identification of additional external income above budget.

Directorate Variance Analysis

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IT & Digital Services

- £0.197m Favourable - Additional income expected to be generated through external sources including Service Level Agreements with partner organisations and East of England Broadband Network (E2BN). This is likely to be an ongoing income stream and will be reviewed as part of the 2022/23 budget setting process.
- £0.011m Favourable - In-year, non-repeatable savings within Software and Hardware, Telephony and Microsoft contracts.
- £0.031m Favourable - Other minor variances within the service area.

£-2.7m Forecast Revenue Underspend

-10% Forecast Underspend as a proportion of Budget

Directorate	Budget Group	Budget £k	Forecast Spend £k	Variance £k	Previous Month	Movement £k	Status
					Variance £k		
Resources	Capital Financing	27,994	25,328	(2,666)	(2,666)	0	Underspend
	Total Capital Financing	27,994	25,328	(2,666)	(2,666)	0	Underspend

Capital Financing and Capital Receipts Overview

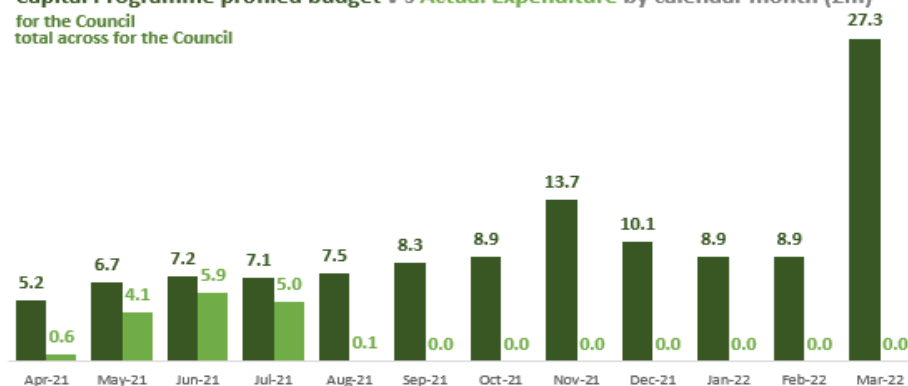
Less borrowing of £24.3m was undertaken for the capital programme in 2020/21 compared to that estimated to be required in the MTFs at £50.5m. This result, along with a reduction in the overall borrowed amount means that payments of interest are forecast to be less than the budget by £1.98m.

As part of the drive to find additional savings for the current and future year, the capital programme is being reviewed by Directors for 2021/22 and future years to ensure that a realistic profile of scheme delivery is being costed to enable forecast for borrowing and timings to be more realistically estimated and mitigate some of the budget pressures resulting from the interest rate rise. Following the initial review of the capital programme savings are now forecast against the new borrowing budget of £0.4m.

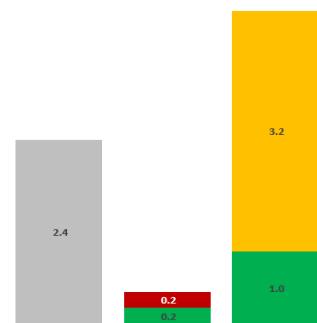
The minimum revenue provision detailed calculation is anticipated to be completed over the autumn months and given that the performance of the capital programme was £55m for 2020/21 compared to the budget of £83m a forecast underspend is estimated to be £0.7m.

These forecast underspends are offset by a shortfall in interest receipts which reflects the late treatment of the Empower loan which was due to transition into a long term financing facility at the end of 2020/21. Aragon Direct Services, the Council's Teckal company, were also able to repay an element of their loan earlier than expected due to a better operating position at the end of 2020/21. The forecast reduction in interest receipts is £0.5m.

Capital Programme profiled budget v's Actual Expenditure by calendar month (£m) for the Council total across for the Council



Capital Receipts forecast receipt based on RAG assessment of achievement by 31 March 2022



Capital Receipts are used as part of a contribution to repay debt. Close monitoring of the Capital Receipts is maintained as any change has a direct impact on the revenue position. Capital Receipts are monitored on a monthly basis and each sale given a status of Red, Amber or Green to identify the likelihood of receipt before March 2022. As per the MTFs policy Capital Receipts will be used to repay debt and forms part of the calculation of reducing the overall debt through MRP. If capital receipts are not received, the debt will need to be repaid via revenue resources.

The Council has identified over £4.5m of asset sales in order to achieve the MTFs budget of £2.4m. However, the impact from C-19 pandemic of asset sales continues to present a challenging environment in which to finalise the final exchange of assets and therefore the timing of the final receipt.

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Appendix B- Reserves Sep-21

Overview

* The Councils reserves balances at 31 March 2021 were £66.1m, of which £6m is the Councils general fund, £4.3m ringfenced and £55.7m is available for use on transformation or in the event of a major incident.

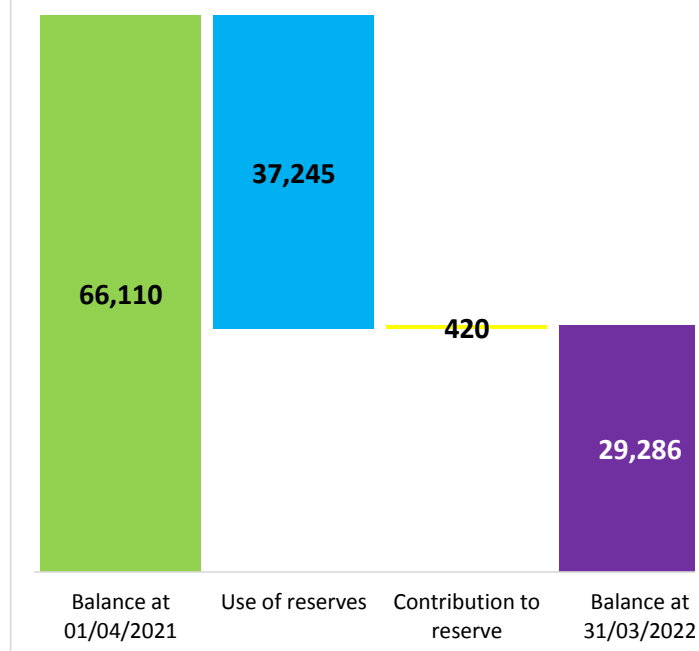
* Included in the £55.7m £20.2m related to NNDR Section 31 grants, which is being used within the budget to mitigate the financial implications from the Business rates Collection Fund loss, and £2.3m which has been committed to mitigate the impact of potential future Business rates and Council Tax deficits following the pressures from C-19.

* The Council also set aside £12.8m at the end on 2020/21, in a specific C-19 Funding reserve to mitigate future service demand and cost pressures arising as a result of C-19. At present there are no arising pressures being committed against this reserve, however it is proposed that £9m (£10.5m less £1.5m reduction in requirement) is released from this reserve and used to support the revenue budget. this assumption is incorporated within the revenue expenditure forecast outturn.

* At the end of the financial year (31 March 2022) the Council expects to have £29.286m in reserves balances, as broken down in the following table:

	2021/22	2021/22	2021/22	2021/22	2022/23	2023/24
	Balance C/Fwd £000	Forecast Cont from Reserve £000	Forecast Cont to Reserve £000	Balance at 31.03.22 £000	Balance at 31.03.23 £000	Balance at 31.03.24 £000
Summary of Reserves						
General Fund Balance	6,000	-	-	6,000	6,000	6,000
Usable Reserves						
Capacity Building Reserve	15,035	(1,409)	(0)	13,626	14,081	14,081
Grant Equalisation Reserve	-	-	-	-	-	-
Departmental Reserve	5,380	(2,787)	-	2,593	1,805	1,805
Covid-19 NNDR Section 31 Grant	22,521	(20,205)	-	2,316	-	-
Covid-19 Funding Reserve	12,841	(12,841)	-	-	-	-
	55,778	(37,242)	(0)	18,535	15,886	15,886
Ring-Fenced Reserves						
Insurance Reserve	3,315	-	416	3,730	3,315	3,315
Schools Capital Expenditure Reserve	658	-	-	658	658	658
Parish Council Burial Ground Reserve	57	(3)	5	59	62	62
Hackney Carriage Reserve	173	-	-	173	173	173
Public Health Reserve	131	-	-	131	131	131
	4,333	(3)	421	4,750	4,338	4,338
Total Usable and Ring-Fenced Reserves and General Fund Balance	66,110	(37,245)	420	29,286	26,224	26,224

2021/22 Use of Reserves Summary (£000)



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Capital Programme

September 2021

Overview

The revised Capital Programme budget as at September 2021 is £100.2m, which includes £10.9m for Invest to Save (I2S) Schemes.

The agreed investment as per the Medium Term Financial Plan (MTFS) was £146.8m. The movement between the MTFS position and the £164.9m as at April 2021 was a result of slippages mainly due to delays completing projects from 2020/21.

The actual investment expenditure as at September 2021 is £25.3m. The latest forecast provided by project managers predicts an overall spend of £100.2m, therefore the Council is expecting to spend a further £74.9m before March 2022.

The I2S budget is for schemes that must cover the cost of borrowing and minimum revenue provision (MRP) from either income generation or from generated savings.

The Asset Investment Plan can be funded via three core elements, external third party income (including grants), capital receipts generated from the sale of Council assets, and borrowing from the external market. For the 2016/17 MTFS onwards the approved strategy is to use Capital Receipts as part of a contribution to the Minimum Revenue Provision (MRP) therefore they are no longer used primarily for the funding of the Asset Investment.

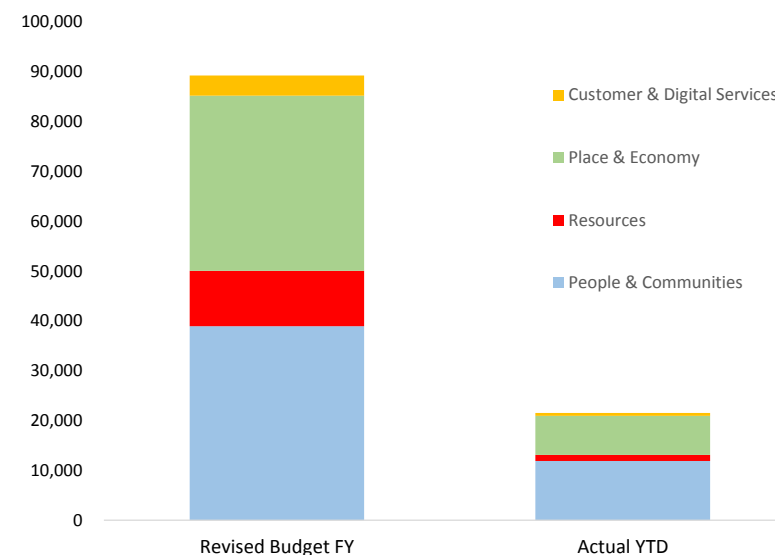
The following table shows the breakdown of the Council's Asset Investment over the directorates and how this investment is to be financed:

Directorate	MTFS Budget £000	1st April Budget £000	Revised Budget FY £000	Actual YTD £000	Total Spent Against Budget %
People & Communities	46,129	50,981	38,942	11,859	30.5%
Resources	38,112	37,306	11,141	1,231	11.1%
Place & Economy	46,644	59,089	35,154	7,881	22.4%
Customer & Digital Services	2,500	4,028	4,012	565	14.1%
TOTAL	133,384	151,403	89,249	21,536	24.1%
Grants & Third Party Contributions	67,763	71,669	50,150	16,065	32.0%
Borrowing	65,621	79,734	39,099	5,471	14.0%
TOTAL	133,384	151,403	89,249	21,536	24.1%
Invest to Save	13,500	13,540	10,909	3,724	4.2%

New Capital Budget Proposals/Virements for Approval

Item
£0.018m - Capital Funding for re-landscaping works at the Dell (Funded from Section 106 contributions)
£0.014m - Capital Funding for re-landscaping works at Hampton Court (Funded from Section 106 contributions)
These proposals are to re-landscape derelict play areas which are causing complaints and liability to the Council, this will include removing existing play equipment infrastructure and soft landscaping the area afterwards. The project will use POIS Environment Funds which are at risk of being clawed back due to the timescale of when the funds were received by the council. The works have been requested by Cllrs and were highlighted in recent Cllr ward works.

Revised Budget Compared to Actual Expenditure to Date



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CABINET	AGENDA ITEM No. 9
15 NOVEMBER 2021	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Cereste, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

OUTCOME OF PETITIONS

RECOMMENDATIONS	
FROM: <i>Directors</i>	Deadline date: <i>N/A</i>
It is recommended that Cabinet notes the actions taken in respect of petitions.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted following the submission of E-Petitions, the presentation of petitions to Council officers, and the presentation of petitions at Council meetings.

2. PURPOSE AND REASON FOR REPORT

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

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. BACKGROUND AND KEY ISSUES

Petitions Received by the Council

Herlington Footpath Request

The petition was submitted by Councillor Casey on 23 June 2021. The petition contained 134 valid signatures and called for the Council to install a footpath alongside the Herlington Nursery and Jigsaw Centre to make it safe for children and the local elderly community.

The Head of Service for Environment, Highways and Transport responded:

"The Service area has reviewed the petition in relation to the footpath that has been in discussion for some time.

The team will arrange a time to meet with the petitioner, and a building surveyor to assess the whole situation and discuss all options on site with a view to finding a suitable solution.”

Russell Street Car Park

The petition was submitted by Mahboob Hussain on 23 June 2021. The petition contained 56 valid signatures and called for the Council to utilise additional land at the end of Russell Street Car Park to accommodate extra parking spaces.

The Chartered Estates Surveyor responded:

“The Property Team has looked further into the potential for this positive community project. Please see the map below, of the area we believe to be under consideration, green shaded areas. We make the below comments on this area:

- The land in green is within the North Westgate development zone. The community project would need to be considered within this wider city development project and any potential land requirements. We believe this would be clearer this time next year, therefore any commitment would have to await this determination.
- Any change of use, would need prior planning approval, and so a planning application would also be required.
- The land in green is designated Community Asset related land (CRA), for the project to go ahead we would need prior permission from Homes England for any release for change of use / disposal. Homes England can require 36% of the land value in return depending on the new use required. There is an established process for release and this can take some time.
- Instances of antisocial behaviour in the green shaded area, are hopefully being reported to the City Council, who have a number of agencies within the Safer Peterborough partnership dedicated to tackling this. Please note, from our experience, a history (evidence) of regular reported incidents can assist similar community initiatives.
- Reporting see <https://www.peterborough.gov.uk/residents/saferpeterborough/saferpeterborough-priorities/anti-social-behaviour>

We would suggest that that any land requirements for the North Westgate Developments will first need to be determined, then if the area is not required the community project could then be considered further (say July 2022).”

Article 4 for Hampton

The petition was submitted by Lindsay Sharp on 20 May 2021. The petition contained 117 valid signatures and called for the Council to implement Article 4 Direction with relation to Houses of Multiple Occupancy across Hampton.

The Assistant Director – Housing responded:

“Thank you for your petition, on behalf of local residents, asking the council to implant an Article 4 in the Hamptons and the consult accordingly.

I can confirm that, following a previous motion to Council, officers are currently investigating the use of an Article 4 in Peterborough, including the Hamptons, and that a decision whether to proceed will be taken later this year. If a decision is taken to proceed with an Article 4 the Council would undertake public consultation to gauge the views of residents.”

5. REASON FOR THE RECOMMENDATION

- 5.1 As the petitions presented in this report have been dealt with by Cabinet Members or officers, it is appropriate that the action taken is reported to Cabinet.

6. ALTERNATIVE OPTIONS CONSIDERED

6.1 There have been no alternative options considered.

7. IMPLICATIONS

7.1 There are no legal, financial, or equalities implications arising from the issues considered.

8. BACKGROUND DOCUMENTS

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

8.1 Petitions presented to the Council and responses from officers.

9. APPENDICES

9.1 None.

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