

## **Scheme of Cabinet Delegations**

### **Section 3 – Executive Functions**

#### **Introduction**

Executive Functions consist of:-

- (a) Functions which the executive must in law exercise;
- (b) Functions which are not listed in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended; and
- (c) 'local choice' functions listed at Schedule 2 of those Regulations, where the Council has decided that they shall be exercised by the Executive.

All Executive functions are delegated to the Leader who may then delegate further to the Cabinet, Committees of the Cabinet, Cabinet Members and officers. The Leader retains responsibility for the functions so delegated and may exercise those functions in person regardless of the further delegation.

Cabinet Members are not authorised to further delegate their functions (unless provided within this Delegation Document) on to officers without the Leader's consent.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

#### **3.1 General provisions, including requirements to record decisions**

- 3.1.1 The recording and publishing of decisions will be carried out by the Solicitor to the Council or a member of his/her staff acting on behalf of the Chief Executive "the Proper Officer". The Council's procedural rules require all Cabinet and Cabinet Member Decisions and officers' key decisions to be published within 2 working days. They will all be available for scrutiny, and also for potential call-in unless the decision has been ruled urgent in accordance with Part 4 of this Constitution.
- 3.1.2 A Cabinet Member will usually exercise delegated authority through an appropriate officer. It is then the officer's responsibility to notify the Proper Officer promptly of the options considered and the reason for the decision. This notice will include mention of the nature of any disagreement between the officer and the Cabinet Member.
- 3.1.3 However, in exceptional cases when a Cabinet Member exercises delegated authority otherwise than through an officer, or overrides specific officer advice, then it is the Cabinet Member's responsibility to submit prompt written notice of his/her decision, together with any options considered and the reason for the decision, to the Proper Officer. He/she must also notify the relevant lead officer.
- 3.1.4 When any officer, excluding the Chief Executive, exercises delegated authority then he/she must refer all Key Decisions to Cabinet Members. The lead officer is responsible for notifying the Proper Officer of the Cabinet Member's decision. Other (non-key) officer decisions taken in accordance with the following Executive delegations should be recorded by the officer on file. The Cabinet Member should be briefed as soon as possible about decisions made. In the event of a Cabinet

Member over-ruling an Officer's preferred decision, this becomes the Member's decision and must be recorded by him/her in accordance with the paragraph above.

The Chief Executive may take key decisions on behalf of the Authority. When exercising this authority, the Chief Executive is responsible for notifying the Proper Officer of the decision proposed for inclusion on the Forward Plan and publication in accordance with the Council's procedure rules. The relevant Cabinet Member should be briefed before any key decision is made.

3.1.5 Officers shall exercise their delegations subject to the following constraints:

- (a) They shall give notice to the Leader, via the Proper Officer, of all forthcoming Key Decisions, so that they can be logged on the Notice of Intention to Take Key Decisions;
- (b) With the exception of the Chief Executive, they shall refer such key decisions to the relevant Cabinet Member for determination;
- (c) They shall consult the appropriate Cabinet Member about all decisions likely to give rise to media attention or complaints from the public, and all decisions favouring any political party or area of Peterborough;
- (d) They shall exercise sensitivity in ensuring that, prior to making a non-key decision, they consult the relevant Cabinet Member where the decision may give rise to political or other concerns. The subsequent decision will be the officer's in consultation with the Member, and shall be recorded by the officer except where the Cabinet member overrules, when this will be recorded and published as the Cabinet Member's decision;
- (e) Officers shall notify the Proper Officer of decisions made;
- (f) The Leader or any Cabinet Member may set financial thresholds for decisions by officers, above which they must consult or seek agreement of the Cabinet Member.

## **3.2 Functions of the Cabinet**

- 3.2.1 To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.
- 3.2.2 To promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.
- 3.2.3 To take a leading role in promoting the economic, environmental and social well-being of the area.
- 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.
- 3.2.5 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.
- 3.2.6 To lead the delivery of Business Transformation within the Council.

- 3.2.7 To be responsible for the Council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit.
- 3.2.8 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions.
- 3.2.9 To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.
- 3.2.10 To determine responses to (and/or make recommendation to the Council, as appropriate) reports from the Monitoring Officer, external inspections and the Local Ombudsman.
- 3.2.11 To scrutinise auditors' reports and letters, to consider reports from the Council's external auditor and internal auditor, where appropriate, and determine appropriate responses.
- 3.2.12 Cabinet will be responsible for the following functions in relation to the Council's companies, partnership and charities.
- (a) The establishment of any new company, partnership or charity;
  - (b) The decommissioning/winding up of existing companies, partnerships and charities;
  - (c) The determination of Articles of Association;
  - (d) The determination of the percentage share of ownership;
  - (e) The determination of the investment of funds and assets;
  - (f) The determination of any lending facilities to the Council's companies, partnerships and charities;
  - (g) The determination of decisions reserved to the Council as shareholder or member of a company, partnership or charity;
  - (h) Scheme of delegations to the Shareholder Cabinet Committee;
  - (i) Approval of Business Plans;
  - (i) Approval of changes to service agreements in respect of KPIs, service levels and service standards;
  - (k) The setting of Policy Strategy and objectives for the operation of the Council's companies, partnerships and charities.

### **3.3 Cabinet Committees**

#### **3.3.1 Eastern Shires Purchasing Organisation Joint Cabinet Committee (ESPO)**

The Eastern Shires Purchasing Organisation Joint Cabinet Committee (ESPO) currently consists of Cambridgeshire County Council, Leicester City Council, Leicestershire County Council, Lincolnshire County Council, Norfolk County Council and Warwickshire County Council alongside Peterborough City Council (the Member Authorities).

The Member Authorities have agreed to operate ESPO on the terms and conditions set out in the Consortium Agreement and ESPO shall undertake the following functions jointly with the other Member Authorities:

- (a) to provide a comprehensive cost effective professional purchasing service to the Member Authorities (and available to Customers on a subscription basis);
- (i) negotiating terms for the supply of goods and/or services;
  - (ii) purchasing, storing and distributing items in common use where it is practical and economical to do so;
  - (iii) advising on standards and specifications;
  - (iv) providing professional and technical expertise;
  - (v) providing specialist goods and/or services, and
  - (vi) investigating areas of joint purchasing;

Based on the overall requirements of the Member Authorities (and Customers where applicable);

- (b) to maintain effective efficient and economical arrangements for the supply of goods and/or services by:
- (c) to achieve overall cost savings and efficiencies for the Member Authorities by providing them with a simple effective system for the supply of goods and/or services;
- (d) to provide timely and relevant information to the Member Authorities based on their requirements; and
- (e) to provide the ESPO Services to the Member Authorities (and Customers where applicable) based on their requirements.

### **3.3.2 Shareholder Cabinet Committee**

#### **Purpose**

The Committee will have functions relating to the Council's companies, partnerships and charities set out below including, but not limited to:

- a) Peterborough Limited
- b) Blue Sky Peterborough
- c) Empower Peterborough
- d) Opportunity Peterborough
- e) Peterborough Investment Partnership LLP
- f) Medesham Home LLP
- g) NPS Peterborough Ltd
- h) Peterborough Museum and Art Gallery
- i) The Mayor's Charity; and
- j) Vivacity Culture and Leisure.

The Shareholder Cabinet Committee will act as a decision making body in relation to the functions delegated to it as well as an advisory body to Cabinet. Support and advice will be provided to the Shareholder Cabinet Committee by the Monitoring Officer, the Section 151 Officer and other client officers as appropriate.

### **Membership and Operation of the Shareholder Cabinet Committee**

The Shareholder Cabinet Committee will comprise a maximum of five Cabinet Members to be determined by the Leader annually. The Chairman and Vice-Chairman of the Committee will also be appointed by the Leader on an annual basis.

The quorum of the Shareholder Cabinet Committee shall be 3 and meetings shall take place quarterly or as determined by the Chairman.

### **Functions of the Shareholder Cabinet Committee**

- a) To monitor performance and financial delivery of the companies, partnerships and charities set out above in line with Cabinet approved business plans by means of monthly performance monitoring and scrutiny;
- b) To ensure that those companies, partnerships and charities comply with relevant Council policies, strategies and objectives;
- c) To exercise decisions, where delegated by Cabinet, in relation to a company, partnership or charity's reserved matters;
- d) To make recommendations to Cabinet in relation to investments, loans and assets.
- e) To oversee the relationships between the Council and the Council's companies, partnerships and charities, and any such relationships between the Council's companies, partnerships and charities in accordance with the Council's objectives.
- f) To review any reports in relation to the Council's companies, partnerships or charities prior to their submission to the Audit Committee to ensure compliance with Council policies, strategies and objectives;
- g) To determine for each individual company, partnership or charity whether the Shareholder Cabinet Committee recommends to Cabinet the delegation of any functions to the officers of the Council.

## **3.4 Individual Cabinet Members**

- 3.4.1 The Leader has allocated a "portfolio" to each Cabinet Member and delegated to each "Portfolio Holder" responsibility for the discharge of functions set out below.
- 3.4.2 All Cabinet Members have the following delegations in relation to their portfolios and the service areas for which they are responsible, as set out in the table below.
- 3.4.3 To exercise the Executive powers and duties of the Council for strategic development, policy direction, partnership working, key decisions, programme and performance management, in accordance with the council's procedure rules, for their portfolio areas.
- 3.4.4 To be responsible for ensuring the successful delivery of business transformation in relation to their portfolio areas.
- 3.4.5 To request the relevant Scrutiny Committee and/or Commission to review changes to policy and strategy within these services area.
- 3.4.6 To be responsible for budget planning, monitoring and expenditure/savings over £500,000 in these service areas with Corporate Directors and the Corporate Director for Resources, ensuring that it remains within the cash limit, reporting any

issues which cannot be resolved within the service budget to the Leader of the Council.

- 3.4.7 To act as the Council's lead spokesperson, representative on strategic bodies and Member Champion for these service areas and to respond to relevant consultations by Central Government and other agencies.
- 3.4.8 To make decisions on actions relating to contracts including:
  - (a) Awarding, assigning and terminating contracts over £500k;
  - (b) Waiving or granting exemptions to Contract Regulations where contracts are over £500k.
- 3.4.9 To support the Leader of the Council as a Member of the Combined Authority in matters relating to their portfolio responsibilities.

Lead Cabinet Member	Portfolio
Leader of the Council	<ul style="list-style-type: none"> <li>(a) Appoint Cabinet Members, determine their remits and monitor their performance, and chair Cabinet meetings</li> <li>(b) Determination of the Council's scheme of delegation of Executive functions, and any financial thresholds within it above which the potential decision-maker must refer the matter up for determination</li> <li>(c) Determine and ensure the publication of the Forward Plan</li> <li>(d) Provide political leadership for the Council, and develop and implement the Executive's policy programme</li> <li>(e) Co-ordinate the Council's overall strategic direction, programme and performance management.</li> <li>(f) Attend regional and sub-regional partnership meetings across a range of Council activities and represent the Lead Cabinet Member Portfolio Council on the major Peterborough based strategic partnerships and provide regular update to Cabinet on the effectiveness of these partnership arrangements.</li> <li>(g) Determine disputed appointments to external organisations and review the list of organisations to which appointments are made</li> <li>(h) Be the Council's Lead Representative and member on the Cambridgeshire and Peterborough Combined Authority</li> <li>(i) Approval of decisions regarding the Cambridgeshire and Peterborough Combined Authority requiring consent of the constituent authorities.</li> <li>(j) Responsibility for leading and developing the Council's internal and external communications and marketing strategy by:- <ul style="list-style-type: none"> <li>i. Leading the development of an internal and external communications strategy for the Council.</li> <li>ii. Establishing positive working relationships with media organisations locally and nationally.</li> <li>iii. Leading the development of targeted marketing campaigns aligned with the objectives of the Council.</li> <li>iv. Enhancing the reputation of the Council locally and nationally.</li> </ul> </li> <li>(k) Leading the work with Opportunity Peterborough and other stakeholders in marketing and promoting the city.</li> <li>(l) Responsibility for emergency planning, resilience and health and safety.</li> <li>(m) Be responsible for leading the Council's approach on shared services</li> </ul>

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Lead Cabinet Member	Portfolio
Deputy Leader and Cabinet Member for Housing, Culture and Communities	<ul style="list-style-type: none"> <li>(a) Deputising for the Leader in his absence, or at his instruction, in relation to all of the functions which are the Leader's and to be the substitute member on the Cambridgeshire and Peterborough Combined Authority.</li> <li>(b) Rural communities, and parish councils in both rural and urban areas</li> <li>(c) Strengthening communities and the Think Communities approach, including problem solving and operational community issues</li> <li>(d) Community relations, cohesion and integration, including work with voluntary, community and faith sector partners</li> <li>(e) Community safety, including the Prevention and Enforcement Service and CCTV</li> <li>(f) Regulatory services, including Trading Standards, Food Safety and Licensing, and the functions of the Weights and Measure Authority</li> <li>(g) Cemeteries and Crematoria</li> <li>(h) Registrar and Coroner's Service</li> <li>(i) Adult Learning and Skills Service, City College</li> <li>(j) Responsible for the Council's housing strategy</li> <li>(k) Responsible for the Council's response to homelessness including: <ul style="list-style-type: none"> <li>i the prevention of homelessness</li> <li>ii the supply of temporary accommodation</li> <li>iii the supply of affordable housing including the development of a housing revenue account</li> <li>iv housing options and supporting people</li> </ul> </li> <li>(l) Responsible for the Council's response for rough sleeping</li> <li>(m) Be responsible for Culture and Recreation and be the Strategic Partnership lead for the work of Peterborough Limited and City Culture Peterborough with specific responsibility for the Council's functions in relation to <ul style="list-style-type: none"> <li>i the Peterborough Museum</li> <li>ii libraries and archives</li> <li>iii the Arts</li> <li>iv sports strategy</li> </ul> </li> <li>(n) Responsibility for City Centre Management and the operation of the City Market, including events in the City Centre and fairs and occasional markets</li> </ul>
Cabinet Advisor to the Cabinet Member for Housing, Culture and Communities	Advise and support the Cabinet Member for Housing, Culture and Communities on all aspects of their portfolio as required.
Cabinet Advisor for Community Cohesion	Advise and support the Cabinet Member for Housing, Culture and Communities in relation to Community Cohesion.



Lead Cabinet Member	Portfolio
<p>Cabinet Member for Adult Social Care, Health &amp; Public Health</p>	<ul style="list-style-type: none"> <li>(a) Responsibility for adult social care functions of the Council, including adult protection, assessment, mental health services, learning disabilities, integrated equipment and enablement</li> <li>(b) To lead on joint commissioning and pooled funding under the NHS Act 2006, including acting as a member of key bodies, and agreeing social services related partnership matters</li> <li>(c) To lead on health integration including responsibility for negotiating and recommending entering into agreements with NHS trusts for the provision of integrated commissioning or delivery of social care and health services</li> <li>(d) Lead representative on strategic bodies for Adult Social Care including the Health and Wellbeing Board and any other joint boards that may be established.</li> <li>(e) Public Health functions of the Council, including all matters specifically provided by the Health and Social Care Act 2012 and related legislation</li> <li>(f) Lead spokesperson for               <ul style="list-style-type: none"> <li>i. Public Health Improvement</li> <li>ii. Health Protection</li> <li>iii. Reduction of health inequalities</li> <li>iv. Public Health Commissioning and Performance</li> <li>v. General Public Healthcare</li> </ul> </li> <li>(g) Leading the response to any emergencies that present a risk to public health</li> <li>(h) Attendance at the Health and Wellbeing Board as the Lead Member for Public Health</li> <li>(i) Responsible for working in partnership with clinical commissioning groups regarding public health advice and related matters</li> <li>(j) Working in partnership with the Police, Probation Service and Prison Service regarding prison health and risks presented by offenders</li> <li>(k) Oral health and water fluoridation</li> <li>(l) Medical inspection and treatment of pupils</li> <li>(m) Sexual health services</li> <li>(n) Independent mental health and mental capacity advocates</li> </ul>
<p>Cabinet Advisor for Public Health</p>	<p>Advise and support the Cabinet Member for Adult Social Care, Health and Public Health in relation to Public Health functions of the Council, including all matters specifically provided by the Health and Social Care Act 2021 and related legislation.</p>

Lead Cabinet Member	Portfolio
<p>Cabinet Member for Strategic Planning and Commercial Strategy and Investments</p>	<ul style="list-style-type: none"> <li>(a) Planning (Development control, strategic planning and strategic growth including open space planning)</li> <li>(b) Highways and transport including the Local Transport Plan and Traffic Orders</li> <li>(c) Building Act 1984</li> <li>(d) Strategic policies linked to open space planning including trees and biodiversity</li> <li>(e) Economic Development, Growth, and Regeneration, including City Centre regeneration and development</li> <li>(f) Flood risk management and planning</li> <li>(g) Lead member for attracting national, regional and European funding to aid economic prosperity and regeneration into the City</li> <li>(h) Lead member for business engagement and development</li> <li>(i) Council representative at national, regional and local forums to promote the city as a centre for business growth</li> <li>(j) Lead on Digital Peterborough in support of our Smart City ambition</li> <li>(k) To develop a Commercial Strategy on which investment decisions are based for determination by Cabinet.</li> <li>(l) To ensure that the commercial Strategy and Investment Portfolios are kept regularly under review by the Cabinet</li> <li>(m) To develop a Commercial Strategy for Operational Services to maximise the use of scarce Council Resources</li> <li>(n) To advise the Cabinet on the implementation of the commercial strategy and other initiatives to maximise the potential of the Council's existing commercial activities and to advise the Cabinet on how to develop a commercial culture within the Council to ensure commercial opportunities are maximised</li> <li>(o) Responsible for developing a car parking strategy for the use of councils car parks and a charging policy for those car parks</li> <li>(p) To advise the Cabinet on the development of new, and growth in existing, income streams that generate surplus funds for investment in further opportunities and to help offset the costs of other activities</li> <li>(q) Asset Management and Property Services with any property transactions over £250,000 will be taken in consultation with the Leader of the Council</li> <li>(r) Represent the Council at the Transport Committee of the Combined Authority.</li> </ul>

Lead Cabinet Member	Portfolio
Cabinet Member for Children's Services, Education, Skills and the University	<p>To act as the Lead Member for Children's Services with political responsibility for the leadership, strategy and effectiveness of Children's Services, and to discharge the education and children's services functions of the authority, including, but not limited to:</p> <ul style="list-style-type: none"> <li>(a) Social care services for children, including all matters specifically provided by the Local Authorities (Social Services) Act 1970, personal social services and care in the community, together with the responsibilities under associated and ancillary legislation.</li> <li>(b) Responsibility for Councils functions under section 7(4) and (5) of the NHS and Local Authorities Partnership Bodies Regulations 2000 in relation to joint commissioning and pooled funding in relation to social care for children</li> <li>(c) Lead, promote and create opportunities for cooperation with local partners, for example health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers, to improve the wellbeing of children and young people</li> <li>(d) Services for Looked After Children</li> <li>(e) Children's Centres</li> <li>(f) Early help services including troubled families</li> <li>(g) Deliver the education functions, powers and duties of the council</li> <li>(h) Responsible for property maintenance and asset management (excluding disposal) in relation to schools</li> <li>(i) Attend Standing Advisory Committee on Religious Education, School Organisation Committee and Inspection Advisory Group (including appointment of Councillors, following consultation with political groups, with any disputes to be resolved by Council)</li> <li>(j) Responsible for higher Education and University Provision</li> <li>(k) Functions of planning and commissioning in relation to the statutory responsibilities for Learning and Skills for post 16 and for 16-25 year old learners with learning difficulties or disabilities.</li> <li>(l) Appoint Council representatives to school governing bodies in accordance with agreed democratic arrangements and in consultation with recognised Political Group Secretaries where the number of nominations exceeds the vacancies.</li> <li>(m) Promoting the educational attainment of Looked After Children</li> <li>(n) Targeted Youth Service including Youth Offending Service, Youth in Localities, NEET, and Adolescent Services</li> </ul>

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Lead Cabinet Member	Portfolio
Cabinet Advisor to the Cabinet Member for Childrens Services, Education, Skills and the University	Advise and support the Cabinet Member for Childrens Services, Education, Skills and the University on all aspects of their portfolio as required.
Cabinet Member for Finance	<ul style="list-style-type: none"> <li>(a) Financial strategy and resources planning</li> <li>(b) Annual budget preparation</li> <li>(c) Annual accounts</li> <li>(d) Capital programme</li> <li>(e) Investment, borrowing, leasing and treasury management</li> <li>(f) Funding for individuals, voluntary and not-for-profit organisations/individuals</li> <li>(g) Council tax and benefits administration</li> <li>(h) Discretionary Rate Relief in excess of £500,000</li> <li>(i) Write off debts in excess of £10,000 deemed to be irrecoverable</li> <li>(j) Monitor Council's overall budgetary position and <ul style="list-style-type: none"> <li>i. discuss, negotiate where necessary and help problem solve any issues concerning budgets for particular service areas with the Cabinet Member responsible for the budget</li> <li>ii through regular budget scrutiny, anticipate future pressures</li> <li>iii make recommendations for Cabinet to determine in respect of all budgetary control issues</li> <li>iv keep the Cabinet advised of budget deficits or surpluses</li> <li>v determine applications for supplementary estimates, virements or allocation of the corporate contingency, within the limits set by Council for determination</li> <li>vi insurance</li> </ul> </li> </ul>

Lead Cabinet Member	Portfolio
Cabinet Member for Waste, Street Scene and the Environment	<ul style="list-style-type: none"> <li>(a) Strategic waste management, including refuse collection, recycling and disposal</li> <li>(b) Street cleaning, public conveniences and graffiti</li> <li>(c) Responsible for ensuring the cleanliness of the City Centre</li> <li>(d) Building and grounds maintenance</li> <li>(e) Maintenance of green and open spaces</li> <li>(f) Overseeing the work of Amey and Viridor in respect of items above</li> <li>(g) Lead on the Council's energy strategy</li> <li>(h) Responsible for Westcombe Engineering</li> <li>(i) Responsibility for the Council's Environment Strategy and in particular for:               <ul style="list-style-type: none"> <li>i overseeing policy alignment across service areas to promote environmental considerations including the Council's policies with respect to trees and biodiversity</li> <li>ii Establishing positive working relationships with environmentally themed organisations and during the Council's ambitions for Environment set out in its Corporate Strategy (once adopted)</li> <li>iii Promoting nationally, regionally and local the City's Environmental aspirations in the media by developing a coherent public relations strategy</li> <li>iv Air quality</li> </ul> </li> </ul>
Cabinet Member for Digital Services and Transformation	<ul style="list-style-type: none"> <li>(a) Responsible for the Council's Information Technology Strategy and for the digital transformation of the Council</li> <li>(b) Responsible for ensuring the strategic development and delivery of business transformation in the Council</li> <li>(c) Responsible for leading the client role in relation to the Serco contract</li> <li>(d) Responsible for the Council's procurement strategy</li> <li>(e) Legal and democratic services</li> <li>(f) Human Resources and Workforce Development Strategy, employee budgets, Trade Union Resources and consulting with Employment Committee where appropriate</li> <li>(g) Equality and Diversity</li> <li>(h) Responsible for café culture in the city and for establishing a Business Improvement District in Peterborough and for being the Council's lead in the BID once established, working with the Deputy Leader in relation to his responsibility to City Centre Management and Events.</li> <li>(i) Responsible for civic events, including Remembrance Day, Armistice Day, Holocaust Memorial Day, and Armed Forces Day</li> </ul>

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<b>Name</b>	<b>Address</b>	<b>Ward</b>
<b>Councillor Wayne Fitzgerald Leader of the Council</b>	<a href="mailto:wayne.fitzgerald@peterborough.gov.uk">wayne.fitzgerald@peterborough.gov.uk</a> Tel – 07860 955669	West
<b>Councillor Steve Allen Deputy Leader and Cabinet Member for Housing, Culture and Communities</b>	<a href="mailto:steve.allen@peterborough.gov.uk">steve.allen@peterborough.gov.uk</a> Tel – 07769 972400	Eye, Thorney and Newborough
<b>Councillor Irene Walsh Cabinet Member for Integrated Adult Social Care, Health and Public Health</b>	<a href="mailto:irene.walsh@peterborough.gov.uk">irene.walsh@peterborough.gov.uk</a> Tel – 07584 300677	Orton Longueville
<b>Councillor Peter Hiller Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b>	<a href="mailto:peter.hiller@peterborough.gov.uk">peter.hiller@peterborough.gov.uk</a> Tel – 07920 160487	Glington and Castor
<b>Councillor Lynne Ayres Cabinet Member for Children’s Services, Education, Skills and the University</b>	<a href="mailto:lynne.ayres@peterborough.gov.uk">lynne.ayres@peterborough.gov.uk</a> Tel – 07920 160108	West
<b>Councillor Andy Coles Cabinet Member Finance</b>	<a href="mailto:andy.coles@peterborough.gov.uk">andy.coles@peterborough.gov.uk</a> Tel – 07949 146514	Fletton and Woodston
<b>Councillor Nigel Simons Cabinet Member for Waste, Street Scene and the Environment</b>	<a href="mailto:nigel.simons@peterborough.gov.uk">nigel.simons@peterborough.gov.uk</a> Tel - 07850878115	Eye, Thorney and Newborough
<b>Councillor Marco Cereste Cabinet Member for Digital Services and Transformation</b>	<a href="mailto:marco.cereste@peterborough.gov.uk">marco.cereste@peterborough.gov.uk</a> Tel - 07976 262268	Hampton Vale
<b>Councillor Gul Nawaz Cabinet Advisor for Community Cohesion</b>	<a href="mailto:gul.nawaz@peterborough.gov.uk">gul.nawaz@peterborough.gov.uk</a> Tel – 07814 658443	Ravensthorpe
<b>Councillor Shazia Bashir Cabinet Advisor for Public Health</b>	<a href="mailto:shazia.bashir@peterborough.gov.uk">shazia.bashir@peterborough.gov.uk</a> Tel – 07711 250953	North

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<p>Councillor John Howard  <b>Cabinet Advisor for Housing, Culture and Communities</b></p>	<p><a href="mailto:john.howard@peterborough.gov.uk">john.howard@peterborough.gov.uk</a>          Tel – 07592 594776</p>	<p>Hargate and Hempsted</p>
<p>Councillor Ray Bisby  <b>Cabinet Advisor to the Cabinet Member for Childrens Services, Education, Skills and the University</b></p>	<p><a href="mailto:ray.bisby@peterborough.gov.uk">ray.bisby@peterborough.gov.uk</a>          Tel – 07932 397397</p>	<p>Stanground South</p>

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