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| COUNCIL | AGENDA ITEM No. 11 |
| 27 JULY 2022 | PUBLIC REPORT |

RECORD OF EXECUTIVE DECISIONS MADE SINCE THE LAST MEETING

1. CABINET MEETING HELD ON 20 JUNE 2022

i. Interim Report of the Task and Finish Group to Examine the Issues with Car Cruising in Peterborough

Cabinet consider the interim report from the Task and Finish Group and **RESOLVED** to endorse the report and recommendations contained within; namely:

1. That the council shares this interim report with Cambridgeshire Police with a view to agreeing a memorandum of understanding which supports the Council with the implementation of injunction(s), community protection orders or public space protection orders.
2. That the Chief Executive of Peterborough City Council and a member of the Council's cabinet agree to champion this issue and to engage with both Peterborough MPs and the Police and Crime Commissioner to secure their support in championing this issue.
3. That the Cambridgeshire and Peterborough Police and Crime Commissioner is asked to work with the Chief Constable to compile a report on how the police should tackle this issue.
4. That the council fully costs the financial implications of developing an injunction for car meets in Peterborough.
5. That the council fully costs the financial implications of introducing Community Protection Orders.
6. That the council fully costs the financial implications of developing measures to prevent car meets from taking place at Pleasure Fair Meadow car park, as part of the Woodston PSPO.
7. That the Highways Team produces detailed plans, with a clear indication of costs, of how it proposes to alter the layout of Stapledon Road to ensure it is no longer suitable for antisocial driving.
8. That the Task and Finish Group continues its work by exploring sources of funding that are available to reduce the funding burden on city finances.
9. That the Task and Finish Group makes a further attempt to engage the car cruise community.
10. That the council's Planning Department should actively consider whether future planning applications should consider measures that will prevent antisocial driving.

ii. Town Fund Business Case

Cabinet considered the report and, following the endorsement of the Town Deal Board on 14 March 2022 in respect of the business cases for River Nene Pedestrian Bridge, Lincoln Road and Peterborough Station Quarter, delegate authority to the Monitoring Officer, Director of Resources (s151 officer) and the Executive Director Place and Economy to **RESOLVED** to;

1. Approve Town Deal Summary Documents, as set out at Appendix 1, 2 and 3 of this report, and submit them to Department for Levelling Up, Housing and Communities (DLUHC) for approval in line with our agreed Towns Fund programme.

iii. **Extension of the Learning Disability Day Opportunities Contracts in Peterborough**

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

1. Approve the Agreements for the Provision of Day Opportunities to be extended until 31 March 2024 for the following Providers:
 - Thera East Anglia
 - Helping Hands Group
 - Sense, the National Deafblind and Rubella Association

The total value of the extension period is £5,199,512.

iv. **Lyon Gardens Extension to 31 October 2023**

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

1. Approve the contract extension with Hereward Care Services Ltd in relation to Lyons Gardens from 1 May 2022 to 31 October 2023 to align with the ongoing work around the respite review. The annual contract value is £787,125.60 per annum which equates to £1,180,688.40 over the life of the extension.
2. Approve Peterborough City Council entering into a collaboration agreement with the CCG in relation to their acceptance to fund 50% of the contract costs, for the period 1 May 2022 to 31 October 2023.

v. **A1260 Nene Parkway Junction 3 Improvement Scheme – Design of Active Travel Schemes**

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

1. Approve the award of £165k to Milestone Infrastructure Limited to deliver preliminary design of active travel schemes to be delivered as part of the A1260 Nene Parkway Junction 32 to Junction 3 improvement scheme.

vi. **Agreement to Terminate the Council's Agreement with NPS Peterborough Limited in Relation to Property and Estate**

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

1. Agrees to terminate the Council's agreement with NPS Peterborough Ltd in relation to property and estate management services by giving twelve months notice.
2. Notes that alternative arrangements for delivery of property and estate management services will be put in place within the twelve month period.

3. Delegates to the Director of Law and Governance in consultation with the Director of Resources the authority to issue notices and take all other steps necessary to give effect to recommendation 1 above.

vii. **Opportunity Peterborough**

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

- Approves, in principle, the integration of Opportunity Peterborough into the Council
- Delegates authority to the Executive Director for Place and Economy, in consultation with the Leader of the Council, to formally engage with the Opportunity Peterborough Board in order to facilitate and implement an effective transfer, subject to the outcome of consultation with affected staff.
- Notes the exceptional performance of Opportunity Peterborough over many years, and formally thanks the Opportunity Peterborough Board of Directors for their governance and leadership

viii. **Budget Monitoring Report Final Outturn 2021/22**

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

1. The final outturn position for 2021/22 (subject to finalisation of the statutory statement of accounts) of a £4.5m underspend on the Council's revenue budget.
2. The reserves position outlined in section 7, which includes a contribution to of £4.5m to reserves balances, resulting from the underspend highlighted in the revenue outturn report in Appendix A.
3. The outturn spending of £79.3m in the Council's capital programme in 2021/22 outlined in section 7.
4. That the financial performance for the year is a positive first step and is in line with the Improvement Plan and Tactical Budget approved by Council, however, the financial challenge for the Council remains and requires continued focus and discipline to deliver per both aforementioned plans.
5. The performance against the prudential indicators outlined in Appendix C.
6. The performance on the payment of creditors, collection performance for debtors, local taxation and benefit overpayments outlined in Appendix D.

2. **CABINET MEETING HELD ON 11 JULY 2022**

i. **First Independent Improvement and Assurance Panel Report**

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

1. Note the first report of the Independent Improvement and Assurance Panel and agrees with the action to be taken as a result.
2. Request that the Growth, Resources and Communities Scrutiny Community review the report, Cabinet's response to it and the progress being made with the delivery of the Improvement Plan.

ii. **Medium Term Financial Strategy 2023-2026 Quarter 1 Update**

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

1. The revised assumptions included within this quarter one Medium-Term Financial Strategy 2023-2026 update as outlined within Appendix A of the report.

iii. **St George's Hydrotherapy Pool**

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

1. Agree to the permanent closure of the St George's Hydrotherapy Pool based on the information set out in this report; and
2. Acknowledge and support the work of officers to identify alternative hydrotherapy provision.

iv. **Implement Recommendations from the Peterborough Parking Strategy**

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

1. Note on the Peterborough Parking Strategy.
2. Approve the following short-term recommendations:
 - a) The Council shall:
 - i. Continue to review parking occupancy levels as the city continues its recovery from the pandemic.
 - ii. Close Dickens Street Car Park at the earliest possible opportunity.
 - iii. Request officers undertake feasibility and costing work to improve the disabled parking bay provision in existing car parks.
 - iv. Implement parking charges, including recovery of the electricity cost, for electric vehicle charging bays including those solely used for the taxi and private license trade.
 - v. Undertake a review of parking charges in line with ongoing work to review 'fees and charges' across the Council.
 - vi. Undertake a review of charging technology to assess the feasibility of alternative mechanisms e.g. ANPR.
 - b) Instruct the Executive Director Place and Economy to establish an officer working group to review the remaining recommendations ahead of further consideration by Cabinet later this year.

iv. **Peterborough Flood Risk Management Strategy**

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

1. Review Peterborough's updated Draft Local Flood Risk Management Strategy;
2. Accept the recommendation from the Climate Change and Environment Scrutiny Committee and instruct officers to enter into a period of public consultation on the Draft Local Flood Risk Management Strategy ahead of consideration by Council later this year.

3. CALL-IN BY SCRUTINY COMMITTEE

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

4. SPECIAL URGENCY AND WAIVER OF CALL-IN PROVISIONS

Since the publication of the previous report to Council the urgency, special urgency and/or waiver of call-in provisions have been invoked twice:

- **Agreement to Terminate the Council's Agreement with NPS Peterborough Limited in Relation to Property and Estate - JUN22/CAB/07**

With the approval of the Chair of the Growth, Resources, and Communities Scrutiny Committee, the urgency procedures have been invoked to suspend the requirement to publish the decision on the forward plan for 28 days. The consideration and call-in period remain in place. This procedure has been invoked to enable the 12 months' notice to start at the earliest opportunity, with delay to September Cabinet considered detrimental to future service provision.

- **Contract for cloud-based services hosting the Council's server estate - JUN22/CMDN/11**

With the approval of the Chairman of the Scrutiny Committee, urgency, special urgency procedure, and waiver of call-in procedure have been invoked to suspend the requirement to publish the decision on the Forward Plan, to suspend the requirement to publish the decision for five days and to waive the requirement for the decision to be subject to a three day call-in period. The contract that is being referred to can be extended for two further twelve month periods until the 31st of May 2024 and does not require any further work from a procurement perspective, but a new CMDN is required to cover the term of the extension.

These procedures have been invoked in order to mitigate the impact of not extending the contract as this would mean that staff would not be able to access critical business systems.

Unfortunately, there was an oversight which meant this contract was not added to the forward plan. The overall strategy for how and where our infrastructure sits is currently being reviewed as part of our overall IT strategy and we will ensure any future decisions go through the appropriate process.

5. CABINET MEMBER DECISIONS

| CABINET MEMBER AND DATE OF DECISION | REFERENCE | DECISION TAKEN |
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| Cabinet Member for Waste, Street Scene and Environment Cllr Nigel Simons 20/06/2022 | JUN22/CMDN/10 (A) | Bretton Oak Tree – Action To Be Taken The Cabinet Member: 1. Noted that the advice the Council has received from the ‘third expert’ (Ian Brett-Pitt of Brett-Pitt Associates Ltd) is that the damage that has occurred is “probably caused by root induced subsidence” and that “we do |

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| | | <p>not believe there is any evidence which shows the damage was caused by heave movement”.</p> <ol style="list-style-type: none"> 2. Noted that Ian Brett-Pitt includes a view that “it is not possible to conclude that roots from T2 have caused and will continue to cause subsidence to nearby property in Barnard Way” (Conclusion C) and “any decision to remove/retain T2 should be predicated on recent/current evidence of movement and subsidence” (Conclusion H). In essence, the view of this expert is that categorical proof that T2 has, and will continue to, cause the damage, is not yet possible. 3. Noted that the original expert advice PCC received (Mr P Harris advice), as previously published to Cabinet, noted “oak tree roots have been found beneath the foundations” and “T2 is very substantially larger than T1. The extent of its roots would be expected to encompass most, if not all, of the footprint of this house (and the adjacent one, 10 Barnard Way)”, and “so long as roots continue to extract moisture from beneath this house there will be continued seasonal subsidence with associated damage”. Consequently, it should be noted that the difference of opinion between these two experts is that one seeks more definitive proof whilst the other uses the available evidence to determine a cause. 4. Noted the typical cost of installing a root barrier in this case would be “around £30,000 per property” (excluding any potential compensation costs, and assuming “the owners are prepared to allow appropriate and necessary access mindful of the inevitable disruption and inconvenience that will arise”) 5. Noted the estimated cost by Ian Brett-Pitt of underpinning costs are “in the region of £150,000 for each property” 6. Noted that the advice of Ian Brett-Pitt is that five realistic options are available to PCC (see his response to Q2 in his report), each of which he describes as having varying degrees of cost, risk and amenity impact, but the options in short are: <ol style="list-style-type: none"> a) Removal of T2 b) Retaining T2 but with PCC meeting the costs of underpinning to any affected properties c) Retaining T2 but with PCC meeting the costs of a root barrier to be constructed in the rear gardens of any affected properties d) Retaining T2 but with PCC undertaking a 70% Hortlink compliant management and control of T2 i.e. 70%+ crown volume reduction followed by biennial pruning e) Retaining T2 but with PCC undertaking a 40%+ Hortlink compliant management and control of T2 coupled with a suitable root barrier as per C & D above. i.e. 40%+ crown volume reduction followed by biennial pruning and the |
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| | | <p>construction of a root barrier across the rear gardens of all affected properties.</p> <ol style="list-style-type: none"> 7. Note that in considering the options available, officers have had to apply a judgement, balancing a wide range of issues, including professional expertise (arboriculture, structural engineering, insurance, landscape, environment, biodiversity and more) as well as taking consideration of the corporate financial situation. 8. Note that the position taken by the Insurance company representing the homeowners affected is that a root barrier is not a feasible option, meaning the deliverability of such a solution is now very low. 9. Note that, in the opinion of officers, the view remains that the only effective way to legally discharge our duty to abate the nuisance and to implement an affordable solution is the felling of the tree. 10. Agreed to the felling of the tree, together with provision of 100 oak trees ('feathered' nursery stock, c2m high) to be planted across the city, as a contribution towards mitigating the loss of the oak tree remains the most appropriate solution having made a balanced judgement on this difficult decision. |
| <p>Deputy Leader and Cabinet Member for Housing, Culture and Communities</p> <p>Cllr Steve Allen</p> <p>29/06/2022</p> | <p>JUN22/CMDN/10 (B)</p> | <p>Continuation of shared Trading Standards Service</p> <p>The Cabinet Member authorised:</p> <ol style="list-style-type: none"> 1. The continuation of the agreement for the delivery of a shared Trading Standards Service by Peterborough City Council (PCC) on behalf of Cambridgeshire County Council (CCC) until terminated as set out in the Delegation and Collaboration Agreement; 2. The Agreement be varied to incorporate changes as required by the authorities; 3. That Peterborough City Council continues to accept the delegation of functions from Cambridgeshire County Council as agreed and listed in the Delegation and Collaboration Agreement; 4. The Corporate Director of Resources to make any future amendments to the Agreement in consultation with the Director of Law and Governance or delegated officers; 5. Authorise the Director of Law and Governance or delegated officers to enter into any legal documentation in relation to this matter. |
| <p>Leader of the Council</p> <p>Cllr Wayne Fitzgerald</p> <p>30/06/2022</p> | <p>JUN22/CMDN/11</p> | <p>Contract for cloud-based services hosting the Council's server estate</p> <p>The Leader:</p> <ol style="list-style-type: none"> 1. Extended the 2021 contract for cloud-based services from Amazon Web Services UK Limited (AWS) by up to the two years agreed within the contract to a further value no greater than £1,000,000 |

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| | | <p>2. Authorised the Corporate Director: Resources to vary this Contract if the Council has to amend its detailed business requirements, but subject to a maximum aggregate value (i.e. including the 2021 contract) of 150% of the approved value of the 2021 contract, being £1,460,000 (BPS).</p> |
| <p>Leader of the Council</p> <p>Cllr Wayne Fitzgerald</p> <p>13/07/2022</p> | <p>JUL22/CMDN/17</p> | <p>Appointments and Nominations to Outside Bodies Update</p> <p>The Cabinet Member approved:</p> <ol style="list-style-type: none"> 1. Councillor Skibsted to be nominated as Council representative on the Orton Goldhay Community Centre Management Committee, replacing Councillor Perkins. 2. Councillor Coles to be nominated as Council representative on the Woodston Community Association, replacing Councillor Imtiaz Ali. 3. The addition of Light House Community Group CIO (East Community Centre Management), with Councillor Jackie Allen to be nominated as Council representative. |