

8 WRITTEN QUESTIONS

No discussion will take place on this item. Members will be asked to note the written questions and answers document as circulated around the Chamber.

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Written Questions

1. Cllr Pogonowski to the Leader of the Council

Does the Leader of the Council recognise the importance of Green MP Caroline Lucas' work in Parliament in calling on the government to end the delay on the implementation of the Sustainable Communities Act, which will allow Cambridge's communities to say no to high street clones and supermarkets, and will allow them to protect their independent industries and outlets throughout the City?

I would like to thank Cllr Pogonowski for drawing my attention to Caroline Lucas's recent work in Parliament. This Council has actively embraced the principles of the Sustainable Communities Act 2007 and was one of 100 local authorities across the country to submit proposals from its local communities to Government the first time round in July 2009. The previous government did not issue a decision on any of the requests by the time it left office in May 2010.

The Secretary of State in the new Government has now (December 2010) issued decisions about the proposals and is taking decisive steps to decentralise power from government to communities and individuals. The Localism Bill ("the Bill"), presently in its report stage, will give local authorities and local communities the powers to implement many of the proposals put forward under the Sustainable Communities Act and respond to other local problems without the need for further government intervention.

I am acutely aware of the situation in Mill Road and we have been examining the Bill for opportunities to provide greater assistance to small businesses to help promote sustainable high streets. Where we think the Bill has fallen short the Council has proposed amendments, during the House of Commons' Committee Stage, and we have asked for the inclusion of a new duty for local authorities to promote sustainable and diverse high streets in order to ensure that local people have the legal power they need to promote the shops they want (and to resist those they do not want in places they will do harm) to help secure the future of local high streets. I have also been actively lobbying for additional measures and have talked to Andrew Stunnell, Parliamentary Under Secretary of State, and civil servants to press our case.

Sustainable and diverse high streets are important parts of neighbourhoods and we will be doing all that we can to ensure that Cambridge remains a place where these can thrive. We will be keeping a close eye on the progress of the Bill and will assess whether it or the Sustainable Communities Act will provide the best route to meet Cambridge's needs.

2. Cllr Wright to the Executive Councillor for Climate Change and Growth

Bearing in mind the recent approvals for hotel building in Cambridge and the pressure to make further provision, what research is the council undertaking to provide sound and independent evidence to policy makers so that levels of supply and demand may be rigorously tested?

See supplementary sheet

3. Cllr Herbert to the Executive Councillor for Customer Services and Resources

3a) What are the financial implications for the Council following the Council's defeat in the Courts over its efforts to charge 4th year PhD students Council tax?

- The High Court ruling was against a decision made by the Valuation Tribunal for England.
- The Valuation Tribunal found in favour of the Council's interpretation of the requirements for 'attendance', which was supported by a previous court of appeal decision R (Fayad) v London South East Valuation Admin court of appeal 2008.
- The appeal hearing was in relation to the interpretation of 'attendance' at a particular place.
- The High Court was of the view that the Valuation Tribunal erred in Law and that the Council Tax disregard should have been allowed.

3b) How much in repayments will the Council be making?

- The Council is only required to pay the Court Costs, which are estimated to be **£10,060.00**.
- Where there may be a requirement to reimburse any students affected by this decision, it will be via an adjustment to a current or past Council Tax liability, which may necessitate a refund.
- It is estimated that only a small number may actually be affected by the ruling.

3c) Will the Council now communicate the position clearly to all colleges and students organisations in the city?

- With effect from 13 May 2011, the Government has amended the definition of a person undertaking a full-time course of education so that the requirement for attendance in relation to a full-time course is replaced by a requirement to undertake such a course.
- The Council is studying the judgement carefully and the change in the legislation, and following internal legal advice will be amending current processes and guidelines appertaining to the establishment of student status.
- New guidance will be forwarded onto the University Board of Graduate Studies and also placed on the Council's website

4. Cllr Herbert to the Leader of the Council

Lion Yard Consultation

4a) What will be the total budget for this post-decision consultation, how will it be funded, on whose authority was the decision made to spend money this way?

To date the total expenditure has been £5,000. Of this £1,200 was for conducting face-to-face interviews with mothers with small children at the Meadow's Centre Mothers and Toddlers Drop-in Session on Tuesday 15th March.

£3,800 was for the postal surveying of 500 signatories to the Lion Yard toilets petition and on-line surveying of a further 50 signatories who gave email addresses. The expenditure includes setting up the on-line survey, the data analysis and a written report of the findings.

The expenditure is to be funded from Property Services' general revenue code for Lion Yard (01-24003-0470-00000).

In response to item 11/3/CNL at the Full Council meeting of 17th February 2011 the Leader of the Council undertook to carry out a consultation with the user groups to inform an Equality Impact Assessment. Following discussion with officers it was clear that there were not sufficient resources and expertise available within the council to undertake this work directly and therefore support would need to be brought in from elsewhere.

Agreement in principle to fund consultation to support an Equality Impact Assessment, based on an estimated cost of £7,200, was made at a meeting of the leader and deputy leader of the Council, the Director of Finance, the interim Property Services Manager and the Performance Manager on 1st March 2011.

No further expenditure has been agreed.

4b) Please list all those who attended the consultation meeting with disability groups and list all those invited who were unable to attend.

N.B. The Head of Legal Services has advised that we may not release the names of the individual attendees. Cllr Herbert has agreed that a list of the organisations attending, the total number of attendees and a list of those organisations that could not attend will be acceptable instead.

Attendance at the meeting on the 16th March was as follows:

Council Officers

Alison Kemp, Performance Manager
Sharon Line, PA to the Director of Finance.

Organisations

Cambridge Pensioner's Voice
Multiple Sclerosis Society
Cambridge Forum of Disabled People
Friends with Disabilities

There were 7 attendees from disability and older people's organisations and 2 officers.

Written representations (as an alternative to attending the meeting) were received from the following organisations:

Cambridge District Branch of the Multiple Sclerosis Society
Cambridge St Raphael Club
Age UK Cambridgeshire

To date three written representations have been received from private individuals also.

Invitations were sent to but no reply received from the following organisations:

Disability Cambridgeshire
Cambridge Older People's Enterprise
DHIVERSE
Cam Sight
Cambridge Mencap
Alzheimers Society Cambridge
Cambridge and District Stroke Club
Cambridge city and South Cambridgeshire Carers support Service
Cambridge ME Support Group
Cambridge Pensioner's Voice
Cambridgeshire Vietnamese Refugee Community
Changing Directions
Funky Flamingo
Cambridgeshire User-led Organisation
PHAB Club Cambridge
Romsey Mill over 60's Club
Voiceability

The purpose of the meeting was to consult with those organisations whose members have direct and personal experience relevant to identifying the possible negative impacts of relocating the ground floor toilets to the first floor of the Lion Yard and what mitigating actions might be taken by the Council and/or the developer.

4c) Can opposition members be informed in advance on future public consultations, unless it is now Council policy for only Liberal Democrat members to be informed.

Members were advised by the Leader of the council that consultation was planned. In response to item 11/3/CNL at the Full Council meeting of 17th February 2011 the Leader of the Council undertook to carry out a consultation with the user groups to inform an Equality Impact Assessment.

The Council's petition scheme requires that the lead petitioner is written to with confirmation of the decision taken at the council meeting and that this is posted on the petition page of the website. See <http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD436&ID=436&RPID=13814881&sch=doc&cat=12996&path=12995%2c12996>

The Council publicises general consultations on its website. This consultation was not publicised in that way because it was targeted consultation with specific groups as explained in previous answers above.

The Council is updating its code of practice on consultation and this will be used to reinforce the need to let members know about all future consultations.

5. Cllr Owers to the Executive Councillor for Community Development and Health

How many Cambridge residents are currently being assisted by the Greenfingers gardening help scheme, to what extent has the service been altered or cut back recently, and are the current levels of service provision considered satisfactory?

One hundred and twenty two Cambridge residents are currently being assisted by the Greenfingers scheme, which includes a fortnightly grass cutting service and hedge trimming, if required, twice a year. The funding for this service was reduced by £36390 in 2010/11 and savings were made in the Administration and Management of the scheme. There was no direct impact on the customers of the scheme. We have introduced a review process to ensure that the scheme is being delivered to only those customers who are eligible to receive it. There have been no other changes. As part of the review process we asked our customers to respond on their satisfaction with the service and our last response indicated that 83% of customers responding were satisfied that the service was acceptable or better, 56% indicated that the service was good or very good. These figures were based on a 72% response rate. No complaints have been received about the standards or quality of service provision.

6. Cllr Owers to the Executive Councillor for Executive Councillor for Climate Change and Growth

How, specifically and in detail, is the city council ensuring that cyclists in Cambridge act in a safe, responsible and lawful manner?

The City Council does not have any legal powers to enforce lawful cycling. This is the responsibility of the police.

The City Council can encourage safe, legal and responsible cycling and currently does so in 3 ways:

1) Promotion:

- we produce and distribute a bookmark aimed at foreign language students which gives pictorial advice on cycling safely and responsibly. An amended version of the bookmark is also produced for school children which includes the message of being considerate to pedestrians.
- We originally designed, and now work with the County Council to update and distribute, the City Cycle map which includes messages about giving priority to pedestrians on shared paths, not cycling on pavements unless they are designated cycle routes and using lights.
- We worked with the company 'Outspoken' (who deliver bikeability training in the city) to target 6th form students with 'Dust of Your Bike' events whereby students could get MOT checks on their bicycles, get cheap lights fitted and were offered free cycle training (although the take up was low)
- We have contributed to the Adult Cycle Training scheme in the past although the future of this scheme is uncertain.
- We produced and are in the process of updating a 'considerate use of shared paths' leaflet
- We have worked with the County Council on events such as Cycle and Skate where cyclists can get cheap lights fitted and a reduction on the cost of an ice-skating session if they arrive by bicycle.
- Attendance at the Freshers Fair. In the past we have written articles for the Fresher's magazine including messages on safe and responsible cycling.
- Met with County Council Highways officers to look at ways of improving signage to highlight the one-way system to cyclists

2) DC work:

- working with planners and County officers to ensure good facilities both on and off-road in new developments to reduce the likelihood of 'pavement cycling' and reduce conflict between modes.
- Working with County officers to try to ensure that changes to junctions or new junctions as a result of development cater for cyclists and do not encourage dangerous or anti-social cycling.

3) Working with the County Council to improve existing infrastructure:

- The Joint-funded Capital Cycleways budget, for example, has been used to widen the New Bit path so that pedestrians and cyclists can pass each other more easily and so reduce conflict. It has also been used to facilitate and legitimise contra-flow cycling in one-way streets.

The Cambridge Community Safety Partnership brings together a number of agencies and organisations concerned with tackling and reducing crime and anti-social behaviour in the City. The Council and the police are two of the key organisations involved in the Partnership.

During the winters of 2008-09 and 2009-10 the Partnership ran a campaign against cyclists riding without lights and otherwise cycling illegally or anti-socially. Each campaign followed the same model. Beginning the first Monday following the ending of British Summer Time (when the clocks go back), the Partnership ran five consecutive enforcement evenings and then a series of single enforcement evenings throughout the winter months. In 2008-09 there were a total of 13 evenings of activity and in 2009-10 there were 11.

Under the scheme, called "Sort Your Lights Out", the police stopped cyclists without lights and issued fixed penalty notices (FPNs). Cyclists were then directed to a team of Council officers including Rangers and the Enforcement team who provided and fitted a set of lights for free, ensuring that cyclists could continue their journey safely and legally.

During the 2008-09 campaign, 217 fixed penalty notices were issued and 160 sets of lights fitted. In 2009-10, 210 FPNs were issued and 200 sets of lights fitted. The surplus of FPNs over lights fitted is because some cyclists would not wait for their lights while some FPNs were issued for other offences such as riding through red lights, cycling in pedestrian zones and failing to obey 'no entry' signs.

For 2010-11, the Partnership did not adopt anti-social cycling as a priority, choosing instead to concentrate on more general aspects of anti-social behaviour. However, campaigns aside, the police continue to stop cyclists observed to be breaking the law. Additionally, the Council's City Rangers will give advice to cyclists ignoring cycling prohibitions (for example, cycling in pedestrian zones and failing to obey 'no entry' signs). This is principally done by Rangers operating in the city centre, and during 2010-11 Rangers logged over 4,600 occasions when advice was issued.

Council 7th April 2011

Question from Councillor Wright :

“Bearing in mind the recent approvals for hotel building in Cambridge and the pressure to make further provision, what research is the council undertaking to provide sound and independent evidence to policy makers so that levels of supply and demand may be rigorously tested?”

Summary Response

- The Council provided details of the current supply of hotel accommodation in its 2010 Annual Monitoring Report.
- The existing Local Plan policy P6/3 does not take account of demand and needs updating to address this as part of the Local Plan Review the timetable for which has been agreed.
- The accompanying Practice Guidance to PPS4 encourages assessment of need for new hotel development.
- Council officers are considering this as part of evidence base work to inform the Review of the Local Plan through commissioning independent external consultancy.
- This will undertake a gap analysis to establish whether there is an absence or paucity of hotel or serviced accommodation, catering to different market segments e.g. major luxury hotels, conference hotels, boutique hotels, budget hotels and motels.
- This will be refined on the basis of an examination of annualised occupancy levels and any turnaway trade for different hotel locations and quality ratings.
- The likely growth in tourism and visitor activity will then be estimated using an econometric approach and/or through discussions with the tourism industry.
- Quantitative need will be estimated by comparing the current and projected demand for existing and projected staying visitor nights, with available and planned stock in each category.
- Having established a gross need by category, the final stage is to subtract any hotel commitments or developments coming through the pipeline (or anticipated loss of rooms) to leave a residual hotel room need in each quality category in a given survey area.

Detailed Response

Annual Monitoring Report

The Council drew attention to the pressures surrounding hotel development in its Annual Monitoring Report (AMR) in December 2010 at paragraphs 6.17-6.20.

Appendix I of the AMR set out the latest information at that time with regard to the supply of hotel accommodation set against demand evidence presented in

conjunction with the recent Travelodge Hotel applications on Newmarket Road.

Policy Basis

Existing adopted Local Plan Policy 6/3 alongside PPS4 provide the current policy guidance towards new hotel provision. Whilst existing Local Plan policy Policy 6/3 supports new hotel provision to strengthen and diversify the range of short stay accommodation, paragraph 6.9 requires an adequate supply to encourage staying visitors but does not quantify an amount.

PPS4, which came into force at the end of December 2009, is the current national policy basis and requires sites for new main town centre uses such as hotels to be identified through:-

1. Sequential assessment

A sequential approach to site selection is required, which identifies whether sites are suitable, available, and viable in the following order: -

1. Existing centres
2. Edge of Centre
3. Out of centre

2. An Impact assessment

A full EC16 Impact Assessment is not normally required for hotels under PPS4. Hotels are defined as “arts culture and tourism developments” rather than “retail and leisure” under PPS4.

3. Needs Assessment

The LDF however as it emerges will need better evidence on the current state of this need in overall City terms following the introduction of PPS4. The Practice Guide issued alongside PPS4 advises that local planning authorities in preparing LDF’s should consider whether there is a shortage or paucity of hotel accommodation for different market segments within a reasonable proximity of town centres.

The Council's officers are currently considering how to update this as part of evidence base work to inform the LDF process by commissioning some independent consultancy to look at current and future need over the period of the Local Plan. Development Plan Scrutiny Committee agreed the approach and timescale towards the review of the Local Plan on 22nd March.

The current government are at the same time committed to consolidating and updating national planning policy guidance, which should be in place this summer.

Applicants in the meantime will be expected should bringing forward up to date information in support of a needs assessment in conjunction with any applications for hotel development.

Researching The Need For New Hotel Accommodation

The PPS4 Practice Guidance outlines the research methodology to assess the need for new hotel accommodation: -

A general indication of need can be derived through 'gap analysis' and the Council should consider whether there is an absence or paucity of hotel or serviced accommodation, catering to different market segments, within reasonable proximity to serve a town centre or a major visitor attractor. This involves identifying the geographical pattern of hotel room provision in a given survey area by type and standard (i.e. quality rating), and plotting imbalances and shortfalls in the provision and distribution; this 'survey area' may be the City boundary or a sufficient drive-time 'isochrone' from the town centre or major attractor that a particular hotel proposal is intended to serve. Identifying locational need at this local level serves the purposes of sustainable development by seeking to reduce the need to travel and promoting balanced sub-regional development.

It may be relevant to refine this gap analysis on the basis of the occupancy levels per quality rating. Hotels cater to different market segments and while occupancy rates may be low at one end of the market, there may be turnaway trade occurring at the other end due to high levels of demand in that segment leading to hotels being booked up to capacity. High annualised occupancy rates (where seasonal fluctuations cause instances of turnaway trade) in a given market segment are an indication of local hotel need. Occupancy rates rise as demand for hotel facilities increases, when occupancy rates rise to the point that turn-away trade occurs in accommodation of a certain quality category there is a need for additional hotel facilities catering to that market segment.

It is possible to assess quantitative need, by comparing the current and projected demand for staying visitor nights, with available and planned stock in each category. The starting point is to establish the existing stock of hotel rooms in the area using a variety of data sources, and categorise them by their quality ratings to indicate which market segment they serve. Although regional assessments are useful at identifying broad need for hotel accommodation, the assessment of need for hotel accommodation is normally best undertaken at local level where it may be appropriate to differentiate between the need for different market sectors (e.g. business, short stay and holiday/visitor accommodation).

The next step is to establish the existing average annualised occupancy rate per quality category (i.e. the average occupancy rate among the number of hotels in each quality category), noting the range of seasonal fluctuations in occupancy. Where occupancy levels are above optimal levels, indicated by instances of turnaway trade in a given quality category, then need is demonstrated in that specific market segment. If the occupancy levels in each

quality category are within the optimal range, projected increases in visitor numbers may pressurise the existing hotel stock.

Estimates of growth in tourism and visitor activity can be identified using an econometric approach (based on global GDP projections and the consequent impact on tourism trends) and/or through discussions with the tourism industry in the context of future long-term growth trends at a regional, sub-regional and local level. Once the increase in visitor numbers is established it may be necessary to consider other factors, accounting for expected trend shifts, in order to estimate the number of extra visitor nights that the hotel provision will be expected to accommodate over a given time horizon. These include:

- Average number of staying nights spent by foreign and domestic visitors.
- Estimated percentage of visitors who stay in hotels.
- Estimated average number of people per room.

This information is used to calculate the estimated percentage increase in staying visitor nights, which can be used to grow the existing room stock in each quality category, preserving the same occupancy levels.

Having established a gross need by category, the final stage is to subtract any hotel commitments or developments coming through the pipeline (or anticipated loss of rooms) to leave a residual hotel room need in each quality category in the area.