

# Public Document Pack

## NOTICE OF ANNUAL COUNCIL MEETING - 25 MAY 2017

Dear Councillor,

A meeting of Cambridge City Council will be held in the Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ on Thursday, 25 May 2017 at 11.00 am and I hereby summon you to attend.

Dated 17 May 2017

Yours faithfully

A handwritten signature in black ink, appearing to read 'AP Jackson', written in a cursive style.

Chief Executive

### Agenda

- 1 To Elect a Mayor for the Municipal Year 2017/18**
- 2 To Elect a Deputy Mayor for the Municipal Year 2017/18**
- 3 To approve as a correct record the minutes of the meeting held on 23rd February 2017**
- 4 To Note the Returning Officer's Report that the following have been Elected to the Office of Councillor**
  - Arbury: Patrick Sheil

- 5 **To Note the Appointment of the Mayor's Chaplain for the Ensuing Year**
  
- 6 **To Pass a Resolution of Thanks to the Outgoing Mayor**
  
- 7 **Mayor's Announcements**
  
- 8 **To Elect from among the Members of the Council Four Bailiffs of the City for the Municipal Year 2017/18**
  
- 9 **To consider the recommendation of the Executive for Adoption**
  
- 9a **Council Appointments to the Conservators of the River Cam (Executive Councillor for Streets and Open Spaces )**  
*(Pages 9 - 10)*
  
- 10 **To consider the recommendations of Committees for Adoption**
  
- 10a **Planning Committee: Report Concerning Local Government Ombudsman Complaint**  
*(Pages 11 - 40)*
  
- 10b **Civic Affairs: Nominations for Committees for the Municipal Year 2017/18**  
*(Pages 41 - 44)*
  
- 10c **Civic Affairs: Nominations for Committees Chairs and Vice-Chairs Municipal Year 2017/18**  
*(Pages 45 - 46)*

**10d Civic Affairs: Independent Person and Deputy**

*(Pages 47 - 48)*

**10e Civic Affairs: Constitutional Amendments**

*(Pages 49 - 52)*

**11 Annual Statements**

Group Leaders will each have the opportunity to speak for not more than 15 minutes on their Group's priorities for action and objectives for the forthcoming municipal year in the following order:

Councillor Herbert  
Councillor Bick  
Councillor Hipkin

Annual Statement of the Labour Group is appended.

*(Pages 53 - 60)*

**12 Adoption of Policies and Priorities**

The scheme for Annual Statements provides that the Statement of the Leader of the largest group on the Council shall be deemed to be a motion for adoption. It may therefore be debated and amendments proposed after which it shall be put to the vote and, if carried, shall be adopted as Council policy for the municipal year.

The Council will therefore consider the Annual Statement of the Labour Group as a motion for adoption.

If the adopted Annual Statement contains proposals which fall outside the Council's budgetary or policy framework, the proposals shall not be acted upon until there has been a report to the relevant Scrutiny Committee(s) and Executive Councillor(s) in the normal way and approval at a subsequent meeting of the Council.

**13 Public Questions Time**

See the foot of the agenda for details of the scheme

## **14 Update on Combined Authority**

The Leader of the Council will update Council and answer questions from members.

## **15 To deal with Oral Questions**

## **16 To consider the following Notices of Motion, notice of which has been given by:**

### **16a Councillor O'Connell: Member-Led Review of Waste Collection Routes**

Council calls on the Executive Councillor for Environmental Services and City Centre to establish a member-led review of the planning and delivery of the recently reorganised waste collection routes in the city.

## **17 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.

## **18 Special Urgency Decision**

### **18a 2017/18 Housing Revenue Account Affordable Rents Special Urgency Decision**

*(Pages 61 - 66)*

# Information for the Public

## Location

The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

## Public Participation

Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

Speaking on Planning or Licensing Applications is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

Further information about speaking at a City Council meeting can be found at:

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Filming, recording and photography**

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

**Facilities for disabled people**

Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request.

For further assistance please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Queries on reports**

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

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<p style="text-align: center;"><b>RECOMMENDATION TO COUNCIL (EXECUTIVE COUNCILLOR FOR STREETS &amp; OPEN SPACES - COUNCILLOR SMITH)</b></p>
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## **COUNCIL APPOINTMENTS TO THE CONSERVATORS OF THE RIVER CAM**

The three year term of office for the seven Conservators of the River Cam appointed by the City Council (four non-councillor appointments and three City Councillors) ends on 31 December 2018.

- i. The maximum term of office is 3 x three-year terms with thereafter a break period of three years before a re-application can be made.
- ii. Appointments are made by the Council on the recommendation of the Executive Councillor for Streets & Open Spaces

There are two councillor seats vacant. There is also one non-councillor vacancy. These vacancies need to be filled to enable the Conservators to undertake its business in quorate meetings (the City Council holds the majority seats, 7 out of 13). The Conservators have recommended Mr Clive Brown to fill the non-councillor vacancy.

Although this goes against the three year away rule (to stop Conservators being on in perpetuity) – it is a pragmatic solution for the remainder of this term. The next appointment process will take place in summer 2018.

### **Accordingly, Council is recommended to:**

- i. Approve the nominations of Councillors Ratcliffe and Roberts and Mr Clive Brown to 31 December 2018.

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**PLANNING**

1 March 2017  
10.00 am - 4.15 pm

**Present:**

**Planning Committee Members:** Councillors Hipkin (Chair), Blencowe (Vice-Chair), Gawthrope, Hart, Nethsingha, Pippas, Smart and Tunnacliffe

Councillor Pippas left after the vote on item 17/46/Plan.

**FOR THE INFORMATION OF THE COUNCIL**

**17/54/Plan Local Government Ombudsman (LGO) Complaint Reference 16 006 971**

The Committee received a report stating the LGO has upheld a complaint relating to the determination of a planning application for an access control barrier to a private road (retrospective). The LGO did not find that any of the failures identified amounted to ‘significant injustice’.

The City Development Manager updated the recommendations in the Officer’s report (amendments shown in bold and struck through text):

- i. To note that the Local Government Ombudsman has upheld a complaint relating to the determination of a planning application.
- ii. To note that in these circumstances, the Head of Legal Services, as the Council’s Monitoring Officer, has an obligation to report the findings to ~~the Executive. The Executive is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action~~ **to Council and that Committee is satisfied with the action that has been taken (set out in Section 4 of the Officer’s report).**

The Committee:

**Resolved unanimously (by 7 votes to 0)** to accept the officer recommendation to note that:

- i. The LGO has upheld a complaint relating to the determination of a planning application.
- ii. In these circumstances the Head of Legal Services as the Council’s Monitoring Officer has an obligation to report the findings to Council and

that Committee is satisfied with the action that has been taken (set out in Section 4 of the Officer's report).

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Director of Planning and Environment

TO: Planning Committee

1/3/2017

WARDS: All

### **LOCAL GOVERNMENT OMBUDSMAN (LGO) COMPLAINT REFERENCE 16 006 971**

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#### **1 INTRODUCTION**

1.1 The LGO has upheld a complaint relating to the determination of a planning application for an access control barrier to a private road (retrospective). The LGO did not find that any of the failures identified amounted to 'significant injustice'. A copy of the LGO decision is attached.

1.2 In summary the Ombudsman's final decision was as follows:

The Ombudsman found fault as a result of Mrs M's complaint about the way in which the Council considered a retrospective planning application for an automatic barrier. The case officer failed to explain in the report that she had not viewed submitted video and photographic evidence. Nor did she tell Mrs M this in advance to allow her the chance to provide it in a different format. The fault caused no 'significant injustice' in the words of the LGO, because the officer provided the planning committee with a separate summary of this evidence and accepted what Mrs M said it contained.

#### **2. RECOMMENDATIONS**

2.1 To note that the Local Government Ombudsman has upheld a complaint relating to the determination of a planning application.

2.2 To note that in these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to the Executive. The Executive is obliged to set out what

action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action.

### 3. THE COMPLAINT AND THE LGO INVESTIGATION

3.1 The complainant complained that the Council failed to properly consider a retrospective planning application for an automated barrier across a nearby private road when it granted planning permission and that the Council failed to properly investigate her complaint. As a result she considered the barrier impacts on her quality of life. The LGO investigated these issues under the following headings:

- Overlooking video evidence
- Inaccuracies in report
- Failure to consider noise impact
- The (Internal Complaints Investigator) complaint process

I have used these headings to set out details of the complaint and the LGO decision below.

#### Overlooking video evidence

3.2 As part of her representations in response to consultation on the planning application the complainant submitted a dossier to the case officer which included video and photographic evidence, part on paper and part on disc. She offered to convert the photographs/video images to a different format if this was necessary to allow access to them.

3.3 The case officer was unable to access the photographs/video material because these had been blocked by the Council's IT security system. She relied only on the written submissions from the complainant when she prepared her Committee Report. She did not respond direct to the complainant to advise that she had not been able to view the video material or request its submission in a different format. However it was made clear on the Amendment Sheet that photographs/video was not assessed. The assumption was that the photographs/video supported the written material which was referred to.

3.4 The LGO view is that the Committee report refers to the photographs/video and the reasonable inference to be drawn from that is that the case officer had viewed and considered this evidence. The LGO considered that the Council was at fault because there was a failure to clarify what had been viewed. The LGO also found fault

with the Council because the case officer did not contact the complainant to explain why she was unable to view the material and to invite a submission in an alternative format.

- 3.5 However, the LGO did not consider that the inaction by the Council amounted to 'significant injustice' because the fact that the photographs/video were not viewed was made clear on the Amendment Sheet and an objector raised the issue in the public speaking section of the agenda item. The Committee determined the application in the light of this situation and had the opportunity to adjourn while the material was made accessible if they felt this had been necessary.

#### Inaccuracies in report

- 3.6 The complainant referred to a number of inaccuracies in the Committee Report/Committee debate as follows:

- a) The Chair referred to the road as a dead-end and it is not.
- b) Inadequate explanation of the fact that the location of yellow lines meant that waiting vehicles were outside the complainant's house
- c) The Committee did not note a Councillor's attempt to mediate between the residents and the applicants.
- d) Inadequate explanation of the facts about the previous gate.

- 3.7 The LGO did not find fault with any of these issues.

#### Failure to consider noise impact

- 3.8 The complainant complained that the Council failed to investigate complaints about noise and that her independent noise survey was not properly considered as part of the application.

- 3.9 The LGO did not find fault in relation to these issues. The LGO accepted that the Council had made reference to the complainant's noise survey in the report and Amendment Sheet and that the noise report was available to the Committee. The LGO considered that complaints about noise had been properly dealt with by the Environmental Health team.

#### The (Internal Complaints Investigator) complaint process

- 3.10 The complainant considered that her complaints had not been properly considered. The LGO was satisfied that complaints had

been addressed by the ICI and did not find fault with the way in which the Council had dealt with the complainant's complaints.

#### **4 LGO AGREED ACTION AND FINAL DECISION**

4.1 The LGO recommends the following action within 4 weeks of the decision (by 20 February 2017):

- a) Send the complainant a written apology for the fault identified
- b) Confirm it has acted on and implemented the complaints officer's (ICI) recommendations

4.2 A written apology has been sent from the Director of Planning and Environment.

4.3 The recommendations of the ICI were as follows (a copy of the ICI letter is attached):

1. The City Council should review its approach and written guidance to planning officers in respect of handling planning application representations supported by digital photographs / video.

2. The City Council should ensure that any guidance agreed is clearly communicated to the public to ensure they understand the acceptability of certain formats of information.

3. The City Council should ensure that members of the public are given clear information about how they might submit / resubmit digital material or have it assessed in an alternative way.

4.4 In response to these recommendations case officers were briefed of the ICI decision when it was published in July 2016. This has been followed up by a further briefing in January 2017 following final decision and recommendations by the LGO.

4.5 The Council does not currently provide any guidance about what type of format information can be supplied in when making representations on planning applications. However the neighbour consultation letter is in the course of being updated to include a recommendation that third parties contact the case officer to discuss submission of photographs/videos and information in digital format. Planning officers are well aware of the need to access all submitted material or find alternatives as an outcome of this ICI/LGO investigation.



## 5 IMPLICATIONS

- (a) **Financial Implications** The LGO has not recommended the payment of any compensation.
- (b) **Staffing Implications** Planning officers have been briefed about the outcome of the investigations by the ICI and LGO.
- (c) **Equality and Poverty Implications** An equality impact assessment has not been carried out in respect of this report.
- (d) **Environmental Implications** This report has no climate change impact.
- (e) **Procurement** There are no procurement implications.
- (f) **Consultation and communication** No consultations were necessary to prepare this report.
- (g) **Community Safety** No direct or indirect community safety implications.

**BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

LGO final decision (23/01/2017)

ICI decision letter (29/07/2017)

Planning application file on Public Access webpages.

To inspect these documents contact Sarah Dyer on extension 7153.

The author and contact officer for queries on the report is Sarah Dyer on extension 7153.

Report file:

Date originated: 20 April 2017

Date of last revision: 20 April 2017

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**Complaint reference:**  
16 006 971

**Complaint against:**  
Cambridge City Council

## **The Ombudsman's final decision**

Summary: The Ombudsman found fault on Mrs M's complaint about the way the Council considered a retrospective planning application for an automatic barrier. The case officer failed to explain in the report that she had not viewed submitted video and photographic evidence. Nor did she tell Mrs M this in advance to allow her the chance to provide it in a different format. The fault caused no significant injustice because the officer provided the planning committee with a separate summary of this evidence and accepted what Mrs M said it contained.

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## **The complaint**

1. Mrs M complains the Council failed to properly:
  - a) Consider a retrospective planning application for an automated barrier across a nearby private road when it granted planning permission; and
  - b) Investigate her complaint about it.
2. As a result, the installation of this barrier impacts on her quality of life.

## **The Ombudsman's role and powers**

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

## **How I considered this complaint**

4. I considered all the information Mrs M sent, the notes I made of the telephone conversation I had with her, and the Council's comments, a copy of which I sent her. I also sent her and the Council a copy of my draft decision. I considered their responses.

## **What I found**

5. Mrs M and her family have lived in their home for 2 years. It is near to a newly installed automatic barrier running across the entrance to a private road. Vehicles stop at the barrier and wait until it is opened. Before, the road had a metal swing

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gate which Mrs M said was permanently left open. The gate was 6 metres further away than the new barrier.

6. The old gate was replaced with a new access control barrier without proper planning consent. The landlords for the site sent the Council a retrospective application at the start of 2016. The Council approved it. Mrs M is unhappy with the way the Council dealt with the application. She complains the family is disturbed nightly from vehicles waiting at the barrier, particularly taxis for example. This is because all her bedroom windows face the road.
7. Mrs M has the following concerns about the planning and complaint processes:

### **Overlooking video evidence**

8. As part of her submissions, Mrs M sent a dossier to the planning case officer. This included video and photographic evidence. It was partly on paper and partly on disc. The Council confirmed she offered to turn these images in to power point slides if it would help. Officers did not respond to the offer. In response to my draft decision, the case officer accepts she should have asked Mrs M to provide it in another format. Mrs M states the video provided evidence of the nuisance they were experiencing and its impact on their quality of life.
9. The Council confirmed officers did not view the video because its security system prevented it. The case officer could not access the video or photographic evidence in the format sent. The officer confirmed it would have helped to have seen the video evidence but the planning committee was aware she had not viewed it. The case officer relied on the descriptive text Mrs M provided. She had no reason to doubt what this said.
10. The Council confirmed there was no policy or guidance for case officers about reviewing this type of evidence. The complaints officer found the planning committee was aware the material was not accessed.
11. As the case officer reported that she accepted the accuracy of the submission, the complaints officer did not uphold Mrs M's complaint but recommended the Council should:
  - Review its approach and written guidance to planning officers about handling planning application representations supported by digital photographs/evidence;
  - Ensure any guidance agreed is clearly communicated to the public so they understand the acceptability of certain formats of information; and
  - Ensure members of the public are given clear information about how they might submit/resubmit digital material or have it assessed another way.
12. The Council accepted these recommendations and will act on them.

### **Analysis**

13. There is a reasonable assumption by those making representations that planning officers will consider and take account of the material they submit at the very least to see whether they raised material planning considerations.
14. The case officer's report refers to the video and photographic evidence. It fails to explain the officer had not viewed it but relied on the descriptive text Mrs M provided. A reasonable inference drawn from the report was the officer had viewed and considered this evidence. This was not the case. The failure to clarify in the report what the officer had viewed of this evidence was fault. The officer accepts her report should have noted her inability to view the files.

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15. It was also fault not to explain to Mrs M in advance why the officer was unable to view the evidence. This would have given Mrs M the opportunity to provide them in another format which in turn may have given her greater confidence in the planning process.
  16. I am not satisfied these failures caused Mrs M a significant injustice. This is because the amendment sheet for the committee explained why the officer had not viewed this evidence. The minutes of the meeting also records an objector speaking to the committee about the officer's failure to view photographic and video evidence. Had the committee thought it necessary, it could have adjourned to view the evidence or asked for it in a different format. In any event, the planning officer told the committee there was no reason to doubt what Mrs M said about this evidence. While the officer accepted it, what weight to give it was ultimately for the committee.

### **Inaccuracies in report**

17. Mrs M pointed out the following inaccurate information was given to the committee:
  - The chair of the committee wrongly said the road beyond the barrier led to a dead end. The case officer confirmed pedestrians could walk through the end of the road. The complaints officer noted the chair's remark was said during the committee members' debate which is not open to the public. The chair quickly moved on leaving no chance for officers to correct him. The case officer saw no need to correct it because it was not fundamental to the decision;
  - Failing to explain that because of existing double yellow lines, waiting vehicles were forced to wait outside her house with the engine running, headlights and radio on. The complaints officer upheld this complaint but could not conclude it would have made any difference to the committee decision;
  - Failing to note a councillor's attempts to mediate. The complaints officer did not consider its omission from the report was fault: and
  - Failing to present facts about the previous gate properly, particularly about it securing the site. The complaints officer found the case officer's description fair.

### **Analysis**

18. I found no fault on the complaint about the reference to the private road as a dead end. It was effectively a dead end to vehicles.
19. While it would have given members clearer information had the report referred to the extent of the double yellow lines, I am satisfied this information was before the committee anyway. This is because the Council's website for this application contains a photograph showing the barrier with double yellow road markings.
20. I am not satisfied the report's failure to mention the councillor's mediation attempts is fault. This is because this was not a material planning consideration.
21. Nor am I satisfied the case officer's description of the previous gate was fault. The report summarised representations received some of which said the gate was locked. The report accepted the previous gate was probably rarely closed.

### **Failure to consider noise impact**

22. Mrs M complains the Council failed to investigate complaints about noise because of the operation of the barrier. Nor did it properly consider her independent noise survey during the application process.

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23. The case officer's report confirms receipt of video and photographic evidence of disturbances. It went on to say it was unclear whether these reports were selective or unbiased. As noted, the officer confirmed she did not view this evidence.
  24. The senior planner confirmed Mrs M's noise report was taken seriously. Recordings were taken over a 4 day period from outside one of her bedroom windows. Information to the committee in the amendment sheet said it contained 9 separate noise events over 5 nights between 11pm and 7 am above 60 decibels. It noted this was due to waiting taxis and customers. The case officer's report noted there was no data from before the change with which to compare it.
  25. The Council noted the previous barrier could have been used more than it had which would have resulted in the same levels of disturbance and noise as the new barrier. In addition, an automatic swing barrier could have been installed under permitted development rights. These rights are given by Parliament and allow certain types of work without the need to formally apply for planning consent. While the Council notes the noise survey recognises noise disturbance when property windows are left open, bird calls contributed to the excess noise.
  26. The complaints officer did not uphold her complaint as the case officer considered the noise impact.

### **Analysis**

27. I am satisfied the noise report was considered before planning consent was granted. The case officer made a brief summary of the report itself but gave more detail about it in the amendment sheet that went to the committee. The noise report was also available to the committee.
28. The case officer's report noted the environmental health officer's comments that the operation of the barrier itself was relatively quiet. It was quieter than the manual use of the previous gate. It also noted the comments about increased vehicular activity because the barrier had the potential to cause noise as well. The environmental health officer confirmed the Council had no power to take enforcement action for statutory nuisance from noise in the street.
29. I found no fault on this complaint. The planning officer referred to the noise report and summarised it. What weight to give to it was for the committee. In addition, I also note that the landlords could have installed a slightly smaller barrier under permitted development rights anyway which would have led to similar consequences in terms of residents' amenities.
30. The Council provided further details when I expressed concern about the way it considered enforcement powers for statutory nuisance from noise in the street under section 79 (1) of the Environmental Protection Act 1990. This lists what amounts to a statutory nuisance. This section was amended by section 2 of the Noise and Statutory Nuisance Act 1993. Section 79 (1)(ga) refers to '*noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street*'. It does not apply to 'traffic'.
31. The Council explained that in November 2015, the environmental health team received 2 complaints about noise in the street. These were mainly about people talking and vehicle movement, including reversing. The officer decided talking and noise from vehicle movement did not fall within the 1990 Act.
32. The Council states idling engines only came to its attention in March 2016 when the environmental health officer was consulted about the application. The Council

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accepts noise from idling engines does fall within the 1990 Act. It needs witnessing and considered to be a statutory nuisance. Whether or not an incident amounts to a statutory nuisance depends on the location, time, frequency, impact on the community, and a matter of the officer's judgement. The officer advised Mrs M to contact its out-of-hours service.

### **The complaint process**

33. When Mrs M complained to the Council about the failings with the way it dealt with this application, she says her complaints were overlooked or dismissed.

### **Analysis**

34. I am satisfied the Council properly considered her complaints. This is because I have seen the independent complaints officer's correspondence with Mrs M that addresses her complaints. I found no fault on this complaint.

### **Agreed action**

35. I considered our internal guidance on remedies.
36. The Council will, within 4 weeks of the final decision on this complaint, do the following:
- a) Send Mrs M a written apology for the fault identified; and
  - b) Confirm it has acted on and implemented the complaints officer's recommendations.

### **Final decision**

37. The Ombudsman found fault on Mrs M's complaint against the Council. This did not cause Mrs M a significant injustice.

### **Investigator's decision on behalf of the Ombudsman**

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**Enquiries to:**

[REDACTED]

Corporate Business Support Team

**T:** 01223 457325

**E:** independent.complaints.investigator@cambridge.gov.uk



[REDACTED]

29th July 2016

[REDACTED]

**Formal Complaint against Cambridge City Council (CCC) – Planning Services**

I write further to your email of complaint sent to me on 27<sup>th</sup> May 2016 in respect of a service complaint 659472, concerning the retrospective planning permission granted for a barrier at [REDACTED] [REDACTED] [REDACTED]

Your complaints have not been resolved at stage 2 of the City Council's procedures and were passed to me for an independent review; I have now completed my review and set out my findings, conclusions and recommendations below.

**My role**

My role is to investigate complaints concerning administrative and procedural actions and decisions that have failed to be resolved at departmental level. As the Independent Complaints Investigator I try to resolve the matter as the final stage in the City Council's internal complaints procedure.

**Your complaint**

Your complaints to me concerned the fact that in your view there were faults in the process of assessing and presenting the application to the Planning Committee which resulted in them reaching an unsound decision based upon an inaccurate assessment of the planning application. In that regard you feel overall that the City Council has been negligent in handling this planning application.

In terms of identifying specific complaints to support your view you have identified to me six areas where these failures have occurred. I have summarised these in the general complaint headings below and in the body of my report I have explored in some detail each area in order to arrive at an individual and collective finding.

## Specific Complaints Summary

**That Cambridge City Council in processing planning application 16/0117/FUL) made the following process errors which impacted on the Planning Committee being able to reach a sound decision:**

1. The case officer failed to properly assess your photographic and video evidence which was not looked at and therefore not considered. If the case officer had looked at the evidence then the officer report would not have been incomplete, inaccurate and biased.
2. The case officer presented incorrect information in the verbal briefing to the committee. This information included incorrect numbers and location of objectors; lack of information about 'yellow lines' on the road, [REDACTED] r [REDACTED] statement about a 'dead end' should have been corrected and failure to mention a police report.
3. Comments by [REDACTED] about lobbying should not have been posted online and the case officer report should have referred to police efforts in the past to stop mopeds riding on the pavement to avoid the barrier.
4. The Environmental Health Officer should have referred to your noise report in his comments. Why has the City Council not undertaken its own noise and disturbance survey if they remain unconvinced. How can the case officer criticise the absence of a noise study by the complainant before the barrier was installed when it was a retrospective application.
5. The case officer's report incorrectly refers to the barrier replacing a gate that previously secured the site.
6. The case officer's report should have referred to previous efforts by Councillor Tunnacliffe to mediate between the [REDACTED] residents and [REDACTED] [REDACTED]

## My Review

I have received and considered copies of the correspondence you have supplied to me and from the Council in respect of these matters. I have reviewed the Council's process in handling stages 1 and 2 of the complaints procedure and the written responses provided to you by [REDACTED]  
[REDACTED]

In addition, I have met and spoken with [REDACTED] in terms of the overall processes applied and normal best practice, and [REDACTED] who had knowledge of the application and reviewed the planning committee report by the planning officer [REDACTED] before it was placed on the Committee Agenda.

I have also reviewed the Pre-Committee Amendment Sheet prepared by [REDACTED] [REDACTED] which contains additional information supplied to planning Committee Members prior to the case being discussed on [REDACTED] [REDACTED]. I have also reviewed the report which was sent to members of the Planning Committee [REDACTED] and the minutes and voting decision in approving the application.

I have undertaken a general site visit to orientate myself to the location and examined images and plans relevant to the application put forward to the planning committee. Given all the material made available to me I feel I am in a well-informed position to make my findings and recommendations.

## **Background Summary**

This retrospective planning application [REDACTED] was to install a barrier which had already been erected. The barrier sits at the entrance to [REDACTED]; it is located 6m further south than the gate which it replaced. The barrier spans the full width of the road but still allows pedestrian access and is 0.95m in height when closed and consists of a control box and rising barrier arm.

The application was the subject of a number of objections by local residents including yourself. These objections primarily cited concerns about loss of residential amenity. The key concern that has been raised by residents being the noise and disturbance associated with the use of the barrier.

A number of people also raised concerns regarding motorcycles/bicycles/mopeds mounting the pavement to avoid the barrier and access [REDACTED] and highway safety concerns concerning the small space left for turning at the bottom of [REDACTED] and an increase in the number of cars and vans parking at the bottom of [REDACTED].

The application was supported by a smaller number of residents overall including the landlord's agents. The reason for support included there has been a gate for many years which had been shut and regularly locked over the past two years. Prior to the erection of the barrier there were issues relating to damage to road surface/bollards/walls. In the past members of the [REDACTED] have had to stand guard to prevent vehicles entering [REDACTED]. The barrier was therefore felt to offer a much needed deterrent especially with the high usage of the boathouses at weekends.

As part of your objections you submitted a noise survey which was undertaken over the 4th to 8th March 2016. This indicated that [REDACTED] is a quiet cul-de-sac location where short high level events are enhanced by the low background noise. In addition you submitted a survey with video and photographic evidence of the type of disturbances you were encountering.

In commenting on these submissions the case officer indicated in her report to Planning Committee that their value was limited and commented that there was no previous noise survey undertaken against which to compare events. In addition that it was unclear whether these reports were selective to only monitor disturbances involving residents/visitors to [REDACTED] or whether this was an unbiased report of noise incidents.

On [REDACTED] [REDACTED] the application was heard before the Planning Committee where the report was presented by the case officer and members of the public were able to make representations. The planning Committee's decision was to approve the retrospective planning by a majority vote of 4 to 1.

On 29<sup>th</sup> April 2016 you wrote to [REDACTED] about the planning decision and outlined what you considered to be faults in both the process of assessing planning application 16/0117FUL and its presentation to the Planning Committee.

[REDACTED] wrote back to you indicating that she had examined your complaint at stage 1 of the City Councils complaints procedures and had reviewed the application and discussed it with the case officer [REDACTED] detailed her responses to each of the matters you had raised and her overall conclusion was that she did not think that there had been errors in the process by which the decision to approve planning permission was made.

You were dissatisfied with this outcome and wrote to [REDACTED] [REDACTED] on 4<sup>th</sup> May 2016 asking for a further review of the findings. [REDACTED] sent you an email on 26<sup>th</sup> May 2016 indicating he had reviewed your complaint at stage 2 of the City Council complaints procedure. [REDACTED] indicated that he had reviewed the case file and discussed its content with [REDACTED] the case officer. [REDACTED] provided his own responses to the complaints you had raised and his overall conclusion was that Planning Committee members were provided with the correct information and that the correct planning process had been followed.

You remained dissatisfied with the outcome of [REDACTED] findings and requested an independent review of the decision at stage 3 of the City Councils complaints procedure which involves me as the Independent Complaints Investigator. I have now concluded this review.

## **My Findings**

My findings are based on having now reviewed the available correspondence and records and having asked questions of key staff and other interested parties who have knowledge of this case and the processes applied in how this specific planning application was handled, assessed and progressed. I have undertaken this approach to determine if your case has been subject of any maladministration by the City Council. My findings are as follows:

**That Cambridge City Council in processing planning application [REDACTED] made the following process errors which impacted on the Planning Committee being able to reach a sound decision:**

**Complaint 1:** The case officer failed to properly assess your photographic and video evidence which was not looked at and therefore not considered. If the case officer

had looked at the evidence then the officer report would not have been incomplete, inaccurate and biased.

The response provided to you by [REDACTED] and [REDACTED] clearly indicates that the case officer [REDACTED] did not review the photographic and video evidence you submitted.

I can appreciate from your perspective that it is a reasonable assumption that where such supporting evidence is submitted that it will be viewed by those who are trying to correctly assess any given situation. In my discussions with [REDACTED] she accepted that it would have been helpful to have seen the evidence, but restated that the Planning Committee was aware the material had not been viewed. That was highlighted in the Pre-Committee Amendment Sheet prepared for members by [REDACTED]

I have made enquiries as to whether there were any Council rules that required case officers to access all the material submitted and I could not find any information or guidance in that regard.

[REDACTED] in his response to the same circumstances also commented that the case officer [REDACTED] had not viewed the material but relied upon the written summary of the events. He went into more detail quoting extracts from the Amendment Sheet where [REDACTED] confirms this explaining the digital format could not be accessed on City Council machines due to internet security issues.

The extract also clarifies that [REDACTED] felt the descriptive text was sufficient and had no reason to doubt the videos and photographs would not support the statements being made.

In terms of process, separately [REDACTED] do not believe the absence of viewing this material would have significantly affected the Planning Committee's decision.

It is my finding that factually it is correct that the case officer [REDACTED] did not access the material and she has outlined why this was the case. It is also factually correct that at the present time the City Council has no policy or written guidance on the extent to which case officers should pursue the reviewing of such supporting material. On that basis it would be correct to conclude on the balance of probability that the initial assessment of all the information you submitted was incomplete.

In respect of whether the non-viewing and assessing of this information might have led to the Planning Committee receiving an overall incomplete, inaccurate, biased report and recommendation my finding is as follows.

The Pre-Committee Amendment sheet submitted by [REDACTED] to Committee Members makes it clear the material has not been accessed and explains why. It would therefore be clear to Planning Committee members the limitations of the assessed material.

In respect of the final report and recommendation being based on inaccurate and biased information, the same Pre-Committee Amendment sheet does not question the likelihood that the video and photographs will not accord with the written statements you have made.

In fact the comments *'I have no doubt the videos and photographs back up the written objection and I do not consider it necessary to have viewed them formally to have reached my conclusion'* makes the point clearly to Committee members. On that basis [REDACTED] has accepted the accuracy of your submission and therefore it is difficult to see how this view can be biased against evidence you have submitted.

In these specific circumstances, I therefore cannot find that the non-viewing of the video and photographic evidence by the case officer led to the completion of an incomplete, inaccurate and biased report.

This complaint has however identified a gap in the written advice and guidance that is available to case officers, to ensure that there is transparency and consistency in the way that they are expected to assess and manage material submitted in a digital format.

Members of the public and third parties submitting representations about planning applications, whether in support or objection, should be clear on the approach the City Council takes to such material. In addition there should be some guidance on expectations in terms of how much material a case officer is expected to assess before arriving at an informed decision appropriate to the application under consideration.

Further that if it is decided some material may be excluded from assessment, due to the format in which it is presented, then there should be guidance which ensures the parties making the submission are notified of this and given the opportunity to resubmit that material or have it assessed in an alternative way.

The above observations from this case indicate there are some learning points for the City Council and I have articulated these at the end of my report for the City Council's consideration.

### **Complaint 1 Conclusion**

For the reasons set out above, I do recognise the non-viewing of the material you submitted does indicate an incomplete assessment of your representation.

I cannot however, on the balance of probability, given the content of the Pre-Committee Amendment report, uphold your view that in these specific circumstances this led to the final case officer's report being significantly incomplete, inaccurate or biased. Consequently I do not find that the Planning Committee was unable to make a sound overall decision.

**Complaint 2:** The case officer presented incorrect information in the verbal briefing to the committee. This information included incorrect numbers and location of objectors; lack of information about 'yellow lines' on the road; and [REDACTED] statement about a 'dead end' should have been corrected.

I have reviewed the representations made by residents objecting to the planning application against the comments the case officer presented to the Planning Committee alongside the responses of [REDACTED].

The points you have raised fall into three broad areas and my review and findings are set alongside each of the three points.

Firstly, the accuracy of only 3 householders complaining about the noise and disturbance from the barrier and that people living closest to the barrier had not complained.

In the representations made, it is correct to say that a considerable number of residents did object to the barrier. The objections however were broken down to a number of different concerns. It is correct a number related to noise and disturbance and the case officer cites [REDACTED] as examples. Other causes for objection covered a range of concerns ranging from vehicles having to mount the pavement to turn at the bottom of [REDACTED] to practical considerations such as there being no drop kerb for cyclists.

[REDACTED] and you were both at the Planning Committee meeting and there is clearly some disagreement on your individual recollection of what the planning officer actually said. You indicate the planning officer said *that 'people living closer to the barrier had not objected'*.

[REDACTED] recollection is that case officer did identify the three closest houses to the barrier, which fell outside the Beauland's Close complex. However the case officer did not say that objections were only received from occupiers of those addresses.

I am not in a position to make a finding on which recollection is correct and therefore need to rely on the aspects of each statement which are not in contention. My finding is that both interpretations indicated there were objections on the grounds of noise and disturbance and these did arise from residents in close proximity to the barrier.

Other residents made other grounds for objection and these may have varied in line with their own proximity to the barrier. It is my finding therefore, that the Planning Committee members would have been clear that these representations had been made and therefore would be an issue they should consider, in making their own minds up on the significance of the information.

Second, the lack of identification of existing yellow lines into a presented visual aid and the knock on effect of where traffic might then have to park up as a delivery base.

I note that [REDACTED] does not directly respond to this question in her stage 1 response but concludes that she did not think that *'the lack of specific reference to the arrangements of yellow lines undermined the ability of the Committee to appreciate that vehicles would need to park close to houses in [REDACTED]'* [REDACTED] supports this view.

It is my view that the question you pose has two aspects namely; should the yellow lines have been clearly referenced and referred to and secondly would their omission have led to the Planning Committee not understanding the need to consider the impact of vehicles that may need to park up near to the barrier if it was closed.

In respect of the first issue, I uphold your view that the yellow lines are an important factor in being able to place the impact of any parking up of vehicles in context. It is my view that it would have been better for the planning officer to clarify this feature existed.

In respect of the second issue as to whether this factor alone would have led the Planning Committee to arrive at a different overall decision and therefore this lack of clarification was sufficient to undermine the process I cannot conclude that this would be sufficient grounds to arrive at that outcome. It is relevant that Committee members aside of the reference to yellow lines, had already been presented with representations concerning the parking up of vehicles. Your own written evidence (discussed in complaint 1) which is accepted by the planning officer, references where delivery vehicles were parking.

My finding is that the planning officer should have specifically referenced the yellow lines to highlight their proximity to the barrier. However this omission alone, given the other available evidence presented in the committee report, was unlikely to have been sufficient grounds to infer that it undermined committee member's ability to make a valid and informed decision as you have suggested.

Third, the incorrect statement made by [REDACTED] that [REDACTED] is *'a dead end'* for traffic when in fact it allows access to the boat house and roadway beyond. In addition that there should have been reference to a police report / survey indicating the safety concerns of bikes, motorbikes and moped mounting the kerb to avoid the barrier and creating a danger to pedestrians and playing children.

[REDACTED] has agreed that that it is possible to walk/cycle through Beauland's Close and in that sense the access road is not a dead end. Having visited the site myself I agree it is not a dead end. [REDACTED] agree that the comments made by [REDACTED] were at that stage of the process, where the Committee had read the committee report and amendment sheets, listened to objector's views and



the case officer's presentation and response to questions. This was therefore at the stage where Councillors on the Committee were expressing their personal views.

It is not open to members of the public to contribute to the debate by Committee members but there is a role for officers to respond to questions and to correct inaccuracies. In this case however [REDACTED] made this comment and immediately moved to the vote leaving no opportunity for officers to interject. [REDACTED] took the view that it was not necessary to interrupt the Chair to correct the comment made because it was not fundamental to the decision that was about to be made.

### **Complaint 2 Conclusion**

Having broken down each of the elements of this particular complaint, I have set out the rationale for my findings accordingly. If the collective nature of these elements is considered it is my finding on the balance of probability test, that none of the individual elements in this complaint amount to maladministration which would indicate an undermining of the Planning Committee decision or process. Consequently I am unable to uphold this particular complaint.

**Complaint 3:** Comments by [REDACTED] about lobbying should not have been posted online and the case officer report should have referred to police efforts in the past to stop mopeds riding on the pavement to avoid the barrier.

I have looked into this complaint and the appropriateness of the content of [REDACTED] on line comments. I have also looked at these comments which you indicated affected [REDACTED] decision to comment on the merits or otherwise of this planning application, based on a police survey around the safety issues of the barrier.

It is my finding that [REDACTED] comments are factually accurate from his perspective, as an employee of the Highway Authority. The comments plainly set out that organisation expectations that it cannot be seen to be party to any lobbying on behalf of individuals.

I do not therefore uphold your view that these were personal views or that it was not his job to make clear the Highway's Authority's position on what was being asked. In that regard therefore I do not find the content, or the fact that the comments were placed in the public domain detrimental to the application process. I note your reference to the fact that [REDACTED] are related. I have found no evidence of any conflict of interest in both parties approach to their professional role in this application process.

In respect of the case officer not bringing to the attention of the Committee members information about a police report, I can confirm that it is not usual for the Council to consult directly with the police on planning applications of this nature.

I also note that when you spoke to the police, the officer declined to comment. It is your view that Sergeant Wragg indicated to you that having read [REDACTED] comments on line that; *'he was not going to be lobbied by a member of the public to write comments on 16/117FUL'*.

This makes it difficult for any third party, such as the case officer or the Planning Committee members to rely accurately on what the police's actual position might be. I can appreciate that had the police chosen to contribute to the process formally, then this may have added support to the safety concerns of those making representation.

Whilst the case officer was therefore not able to actually reference any police perspective, it would have been open to those making representations in writing or at the Committee meeting on 27<sup>th</sup> April 2016 to raise this point.

I have not been provided with any information to indicate that this occurred during the meeting. If it did occur however then Planning Committee members would have had this information in their mind and could have considered its merits.

In respect of this element of your complaint; I do not agree that the case officer deliberately or intentionally withheld this information as you suggest. I accept that the case officer may have been aware of a police report, but with the police declining to comment on its content, its mere existence is of little value to Committee members if it cannot be properly referenced or relied upon.

Consequently I do not find that its mere existence would have been of such significance that *'there would have been a different outcome because of the revealed safety issues'* as you suggest.

### **Complaint 3 Conclusion**

Having examined both elements of this complaint it is my finding on the balance of probability test that there is no evidence to support your view that [REDACTED] comments were inappropriate and should not have been in the public domain where he and his agency have made clear their position on not being drawn into lobbying.

In respect of the police choosing not to make comments about their own safety survey, I accept some report may exist but the fact that the police felt unable to be drawn on the content, makes it difficult for the case officer to present this issue with any certainty. The mere notification of the reports existence is of little tangible value to Planning Committee member's decision making.

Consequently my findings are that neither of these elements amount to maladministration or would have been able to form the basis of a refusal of planning permission. I do not find that they amount to a 'major failing in presenting the whole picture' as you suggest. I am unable therefore to uphold this particular complaint.

**Complaint 4:** The Environmental Health Officer (EHO) should have referred to your noise report in his comments. Why has the City Council not undertaken its own noise and disturbance survey if they remain unconvinced. How can the case officer criticise the absence of a noise study by the complainant before the barrier was installed when it was a retrospective application.

I have noted the responses provided to you by [REDACTED]. In particular, I have focused in on [REDACTED] comments that the case officer [REDACTED] worked with [REDACTED] an experienced Principal Planner to review the EHO comments. Additional information is then provided to the Planning Committee members by way of a Pre-Committee Amendment sheet. [REDACTED] indicates that this *'is a reasonable alternative to providing further information to the EHO'*.

I have reviewed the EHO report and in that context the information in question being sought concerned a range of factors. The ECO also posed independent questions, such as potential noise disturbance arising from vehicles stopping within the site, being shifted to and concentrated outside the site in De Freville Avenue. I have noted these comments support some original representations made that when the ambient noise is low at night for instance, taxis leaving their engines running and headlights on while waiting to collect passengers outside the barrier, does lead to some loss of amenity for residents in the immediate area. I also note the EHO's advice makes reference to a possible remedy. That being a condition to ensure the barrier is raised between the hours of 23:00 and 07:00 hrs, as the most significant impacts will occur at night.

With these considerations in mind, I met with [REDACTED] to discuss the re-assessment he conducted with the case officer and how reasonable and fairly this was represented in the Pre-Committee Amendment sheet, that was submitted to Planning Committee members in advance of the planning meeting.

In that regard my findings are as follows: [REDACTED] confirmed that [REDACTED] initial Planning Committee report had identified the level of representation concerning noise as a real issue and one which may make it possible to refuse planning permission on the grounds of impact of noise. Whilst I have already covered the non-viewing of some of your submitted video evidence, I note that in the context of noise that the case officer commented in the report:

*'The objector (yourself) supplied both written information and videos/photos of incidences of noise disturbance to me as part of their original objection' and further; 'I reviewed the written information and took this into account as part of my recommendation. This written documentation of noise disturbance to no. [REDACTED] provides details of what is contained within the video/photograph files... I have no reason to doubt the videos and photographs back up the written objection and I do not consider it necessary to have viewed them formally to have reached my conclusion'.*

On that basis I find that [REDACTED] initial report was properly cognisant of the noise issue.

I then discussed with [REDACTED] how he and [REDACTED] had assessed the value placed on the noise study you conducted and how this together with the ECO views/comments were interpreted to reach a final recommendation. My findings on this aspect are as follows.

[REDACTED] indicated that the noise report you supplied was taken seriously. It was recognised by [REDACTED] that the survey carried out over the weekend of 4 – 8 March 2015, from outside the bedroom window of [REDACTED] was relevant. For this reason the Pre-Committee Amendment sheet contained the following information for Committee members.

*'It records 9 separate noise events over the 5 nights, between the hours of 11pm and 7am (night time hours) above a threshold of 60 dB LAMAX (the recognised threshold above which, if windows are left open for ventilation, sleep disturbance may begin to occur), which were noted by the occupant of no. [REDACTED] as having caused disturbance. These incidences relate to vehicles stopping at or turning at the barrier, including a number of taxis. Waiting taxis and taxi customers exiting on [REDACTED], together with taxi drivers' speaking on their telephones, all appear to be issues for the objectors, as well as more generally cars and at other times during the day home shopping deliveries.*

*I have no reason to doubt the fact that the incidents recorded in the noise assessment have occurred and have caused disturbance' It is my finding that this is a full and fair representation of the facts arising from the survey and Committee members would be very clear that the noise representation was a genuine concern.*

I discussed with [REDACTED] the interpretation you had placed on the issue of the case officer's report appearing critical that you were unable to conduct a pre barrier installation report. [REDACTED] was clear that this was not meant to be critical, but was a factual observation, to indicate there was no opportunity to compare before and after scenarios. I have looked again at the wording used by [REDACTED] and reviewed by [REDACTED]

*'I acknowledge that it is not possible to expect the objectors to supply a report assessing noise levels prior to the installation of the barrier. It is my view that this is not a criticism of your actions. In respect of the follow on text 'However this does not give me a means by which I can compare before and after scenarios'. I find this is a factual statement and again implies no criticism of your actions.*

Looking at this particular complaint your assertion is that the case officer's report is 'unconvinced' about the noise issue and therefore you ask why the Council did not commission a separate report of their own.

In discussing this with [REDACTED] it is my finding that the references to the above narrative from the Pre-Committee Amendment sheet, does indicate the noise to be a genuine issue. The role of the case officer is to assess in planning legislation and planning policy terms whether its existence causes 'sufficient harm' to justify a

refusal of planning permission on these grounds. [REDACTED] was directly involved in reviewing [REDACTED] rationale for her recommendation and the additional information supplied to Committee members by way of the Pre-Committee Amendment sheet.

The Amendment sheet clearly indicates the process of assessment, which fairly considered the following information; The EHO views, and the feasibility of imposing conditions for the barrier to remain up after 23:00hrs, the EHO's comments regarding the impacts of road traffic noise in relation to statutory nuisance and the enforcement powers available to the Council, the benefits of the instillation from the applicant's perspective, and importantly the applicant's available fall- back position.

This latter consideration is very relevant in planning terms, as the applicants would also be in their rights to install an automatic swing gate 1m or below in height. This would result in the same noise issues from occurring and would result in the Council having no control over the operation of the gate. Retrospective planning was primarily required in this case as the barrier arm when raised is above the 1metre permitted under permitted development.

I also note the case officer's remarks to Planning Committee members in the Pre Amendment sheet with regard to the imposition of conditions as suggested by the EHO and noise consultant. *'10 officers considered this was not reasonable because of the previous and possible fall-back positions available to the applicants.'*

#### **Complaint 4 Conclusion**

In respect of this particular complaint, it is my finding that the case officers Committee Report and Pre-Committee Amendment sheet, did provide the Planning Committee members with evidence of a fair assessment of the relevant facts, linked to the applications merits or otherwise. Further that this approach was a reasonable alternative to providing further information to the ECO.

I find that your noise concerns were recognised and accepted by [REDACTED] and [REDACTED]. However in the round the case officer considered that the noise impact associated with the use of the barrier from the perspective of sufficient grounds to justify a refusal of the application was limited. The accepted nuisance and loss of amenity was primarily confined to the night-time and when bedroom windows were open.

Applying the balance of probability test it is my finding in respect of the elements of this specific complaint, that there is insufficient evidence to indicate that the City Council has not fairly or properly followed its planning assessment process, or that it is indicative of 'faults in the process of the council' as you have suggested. For these reasons set out above I cannot therefore uphold this specific complaint.

**Complaint 5:** The case officer's report incorrectly refers to the barrier replacing a gate that previously secured the site.

I have examined the case officer report where this issue is mentioned and the comments made by [REDACTED] and [REDACTED]. I can appreciate that there is an inference the previous gate may have been primarily closed and therefore akin to a barrier which permanently down.

I note that [REDACTED] comments that Google maps, indicates that the gate in place prior to the barrier was open. In reviewing the case officers report I note that at paragraphs 8.9 [REDACTED] makes it clear that 'the gate which was previously installed was left open much of the time but it could have been closed on a more regular basis'.

It is my finding that this is a fair representation of the facts before the barriers installation and Planning Committee members would therefore have been aware that the proposed plans were not the same as a barrier being permanently down, but the effect was similar.

### **Complaint 5 Conclusion**

On the balance of probability test, I can find no grounds to support the view that members of Planning Committee reading the planning officer's report would not be clear of the gates status before the current barrier was erected. I therefore cannot uphold your complaint that the Committee report 'mislead to the Committee members' as you suggest.

**Complaint 6:** The case officer's report should have referred to previous efforts by [REDACTED] to mediate between the [REDACTED] and [REDACTED]

In respect of this complaint, I have read the various representations made and can confirm as [REDACTED] has indicated to you that [REDACTED] did not make a written representation and therefore it would not be normal to include his actions in the Committee report.

I also discussed this with [REDACTED] and [REDACTED] who reviewed the planning officer's final report and the content of the Pre-Committee Amendment sheet provided to Planning Committee members.

I am satisfied that the case officer was aware that [REDACTED] had an involvement in this application and was trying to undertake some mediation with the applicants and objectors. In terms of whether this information should have been included in the Committee Report I find that it falls into a similar category as the police report; namely that its mere existence does not add any real value in planning application terms and again it has not been submitted for representation as a relevant factor by [REDACTED] who is aware of the planning process.

I can appreciate from your own comments, that it was viewed that the work undertaken by [REDACTED] indicated that the applicants were not minded to enter into any mediation. Discussions with [REDACTED] indicate that

these are areas that planning officers would not get involved in; as there is the potential that any officers comments made in the Committee Report may be interpreted as biased to one party over another. Fundamentally however, this type of issue would not be a relevant or deciding factor upon which a decision to approve or reject an application might be based.

### **Complaint 6 Conclusion**

For the above reasons I am not able to uphold this particular complaint that the case officer's report should have referred to previous efforts by ██████████ to mediate between the ██████████ residents and ██████████ members. I do not find therefore that this omission was a breach of the City Council planning process.

### **Overall Findings:**

**In respect of your view that the City Council in processing planning application ██████████ made process errors which impacted on the Planning Committee being able to reach a sound decision I make the following finding:**

I have carefully reviewed each of the complaints you have raised and broken them down where necessary in order to properly examine the specific aspects raised. I have focused on whether there are sufficient grounds which might indicate that the City Council's handling of planning application ██████████ was flawed in terms of its process and presentation to Planning committee.

In all six complaints raised I have not been able to find evidence that would uphold the specific complaint and consequently looking at the overall complaint I can find no evidence to support your view of the City Council's actions.

I have found in complaint 1, an identified gap in the written advice and guidance that is available to case officers to ensure that there is transparency and consistency in the way that they are expected to assess and manage material submitted in a digital format. This I consider to be a learning point which I recommend the City Council should address.

In discussions with ██████████ and ██████████ during the examination of the case file, Planning Committee report and Pre-Committee Amendment sheet, it was evident that this case did have a high number of areas of representation calling for careful assessments to be made.

This case has highlighted that where multiple assessments are having to be made, even if they are justified on their own merits, there is a need to ensure their accumulative impact does not undermine public confidence in the transparency of any final recommendation which is made by the case officer.

Whilst I am satisfied in this case that this process has taken place, I have raised with ██████████ and ██████████ the importance of maintaining a robust reviewing process for case officers reports prior to submission to Planning Committee. This is

particularly required where there are significant and / or varied representations for consideration by the case officer. [REDACTED] has assured me the review process is something that is kept under regular review.

### **Learning Points / Recommendations:**

FAO:

[REDACTED]

This case highlights a learning point which may have direct relevance to maintaining the public's confidence in the City Councils administration process and delivery of its planning services.

1. The City Council should review its approach and written guidance to planning officers in respect of handling planning application representations supported by digital photographs / video.
2. The City Council should ensure that any guidance agreed is clearly communicated to the public to ensure they understand the acceptability of certain formats of information.
3. The City Council should ensure that members of the public are given clear information about how they might submit / resubmit digital material or have it assessed in an alternative way.

### **Recommendations**

1. That the Director of Planning and Economic Development notes this independent reviews finding and the learning point identified for further consideration and communication within planning services staff to support the on-going development of best practice.

### **Further Action**

Finally [REDACTED], whilst I can appreciate you may be disappointed by my overall findings I would like to advise you that if you are dissatisfied with the outcome of my investigation, you may refer your complaint to the Local Government Ombudsman whose contact details are: Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH.

Yours sincerely

[REDACTED]

[REDACTED] [REDACTED]

Independent Complaints Investigator



**CIVIC AFFAIRS**

15 May 2017  
6.00 - 6.25 pm

**Present:** Councillors McPherson (Chair), Benstead (Vice-Chair), Gawthrope, Holt and Robertson

**FOR THE INFORMATION OF THE COUNCIL**

**17/18/CIVa Nominations for Committees for the Municipal Year 2017/18**

The Committee considered a paper setting out the proposed Committee allocations by party and the nominations received. The Committee considered the rules on political balance set out in the Local Government and Housing Act 1989 in developing the recommendations set out below.

The Arbury by-election on 4 May did not affect proportionality on the Council and the seats allocated in total and across each committee are the same as 2016/17.

The Committee noted the nominations.

**Resolved** (unanimously) to:

Recommend to Council to agree the number and size of committees, agree to depart from proportionality on Planning Committee, and to note the nominations listed below:

Ordinary Committees

<b>Community Services Scrutiny Committee 8 ( 5 Labour + 2 Lib Dem+ 1 I/G)</b>
Ratcliffe, Sinnott, Abbott, Barnett, Bird, Gillespie, Austin, O’Connell
Alternates-Gawthrope, Sargeant, Nethsingha

<b>Environment Scrutiny Committee 7 (5 Labour + 2 Lib Dem)</b>
Gawthrope, Bird, Ratcliffe, Sargeant, Sheil, Bick, Tunnacliffe

Alternates-Abbott, Sinnott, Adey

**Housing Scrutiny Committee 8 ( 5 Labour + 2 Lib Dem +1 I/G)**

Todd-Jones, Bird, Baigent, Gawthrope, Sheil, Holland, Cantrill, Page-Croft

Alternates-Abbott, Barnett, Tim Moore

**Strategy and Resources Scrutiny Committee 6 (4 Labour+ 2 Lib Dem)**

Barnett, Baigent, Sarris, Sinnott, Bick, Cantrill

Alternates-Abbott, Sargeant, Avery

**Civic Affairs Committee 6 ( 4 Labour +2 Lib Dem)**

McPherson, Benstead, Gawthrope, Robertson

O'Connell, Holt

Alternate-Ratcliffe, Tim Moore

**Employment (Senior Officer) Committee 6 (4 Labour +2 Lib Dem)**

Blencowe, Hart, Herbert, Price, Bick, Avery

**Licensing Committee 12 (8 Labour+ 4 Lib Dem)**

Bird  
Ratcliffe  
Abbott  
Benstead  
Gawthrope  
McPherson  
Sinnott  
Smart

Gehring  
Adey  
Tim Moore  
Pippas

Alternates- Rosy Moore, Holt

**Planning Committee** (NB Council approves departure from proportionality here) 8 (4 Labour+ 3 Lib Dem + 1 I/G)

Smart, Blencowe, Hart, Sarris, Hipkin, Tunnacliffe, Nethsingha, Holt

Alternates- Bird, Page-Croft

**Cambridge City Joint Area Committee (with County Council)** 6 (4 Labour +2 Lib Dem )

Baigent, Bird, Blencowe, Robertson, Tunnacliffe, Adey

Alternates- Sargeant

**Cambridgeshire and Peterborough Combined Authority -1 seat**

Cllr Herbert, Leader of the Council + 1 substitute (Cllr Price)

**Cambridgeshire and Peterborough Combined Authority Overview and Scrutiny Committee** 1 Labour + 1 Lib Dem

Baigent, Cantrill

Alternates-Sargeant, Austin

**Cambridgeshire and Peterborough Audit and Governance Committee**  
New – 1 + one substitute member

Robertson, Ashton (substitute)

**Greater Cambridge City Deal Joint Assembly** 3 (2 Labour + 1 Lib Dem)

Baigent, Price, Bick

**Joint Development Control Committee - Cambridge Fringes** 6 (4 Labour+ 2 Lib Dem)

Blencowe, Baigent, Bird, Price, Tunnacliffe, Holt

Alternates- Gawthrope, Martin Smart, Tim Moore

**CIVIC AFFAIRS**

15 May 2017  
6.00 - 6.25 pm

**Present:** Councillors McPherson (Chair), Benstead (Vice-Chair), Gawthrope, Holt and Robertson

**FOR THE INFORMATION OF THE COUNCIL**

**17/18/CIVb Nominations for Committees Chairs and Vice-Chairs for the Municipal Year 2017/18**

The Committee received nominations for Chairs and Vice Chairs of Scrutiny and Regulatory Committees.

**Resolved** (unanimously) to:

- i. Agree the nominations for Chairs and Vice Chairs as below:

	<b>Chair</b>	<b>Vice Chair</b>
Community Services	Ratcliffe	Sinnott
Environment	Gawthrope	Bird
Housing	Todd-Jones	Bird (nb. Tenant/Leaseholder is Chair of Part 1 of the meeting)
Strategy & Resources	Barnett	Baigent
Civic Affairs	McPherson	Benstead
Employment Appeals Sub	Hart	n/a
Licensing	Bird	Ratcliffe
Planning	Hipkin	Martin Smart
JDCC	Blencowe as Lead Councillor	

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## **CIVIC AFFAIRS**

15 May 2017  
6.00 - 6.25 pm

**Present:** Councillors McPherson (Chair), Benstead (Vice-Chair), Gawthrope, Holt and Robertson

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **17/18/CIVc Appointment of Independent Person and Deputy**

**Resolved** (unanimously) to:

Recommend that Council confirm the appointment of Mr Sean Brady as the Council's Independent Person and Mr Robert Bennett as the Council's Deputy Independent Person for 2017/18.

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## CIVIC AFFAIRS

15 May 2017  
6.00 - 6.25 pm

**Present:** Councillors McPherson (Chair), Benstead (Vice-Chair), Gawthrope, Holt and Robertson

### FOR THE INFORMATION OF THE COUNCIL

#### 17/18CIVd Constitutional Amendments

Committee agreed that the changes to Council Procedure Rules introduced in April 2016 had worked well and noted that there had been no feedback from Group Leaders to the contrary.

On the proposals in the officer report (paragraphs 4.6-4.9)

Length of speeches: the Committee agreed to be consistent with speaking times for Motion debates ie 3 minutes per councillor. However, Committee agreed that Ex Cllr/Chair and spokes should be permitted up to 5 minutes.

Extraordinary meetings: the Committee agreed that public questions at Extraordinary Meetings of Council should only relate to that item, but did not agree that they should be submitted by 10am the day before. It should be consistent with other meetings ie. you can ask a question if it is an item on the agenda without prior notice.

County Councillors on Area Committees: the Committee agreed the proposal in the report with the clarification that only a city councillor can be a Chair or Vice Chair.

Appointment to outside bodies: the Committee agreed with the proposal. It was clarified that the arrangement would only apply for appointments 'within Group'.

The Committee noted a further proposal concerning the ability for Groups with more than one seat on a Scrutiny Committee to appoint 2 Alternate Members. The Committee noted that the Group Leader of the Liberal Democrat Group had been notified of this proposal but not in time for nominations to reflect this. Updates will be included in the Information Pack published the day before the Annual Meeting.

**Resolved:**

To recommend to Council the changes to Council as set out below in **bold text and “”**:

**Council Procedure Rules**

6. Appointment Of Alternate Members Of Committees And Sub-Committees

6.2 Number

6.2.1 For each committee or sub-committee, the Council (or committees in respect of sub-committees) will appoint one alternate member in respect of each political group represented on that committee or sub-committee, **“and two in the case of the major Scrutiny Committees for groups with more than one Committee member,”** but shall not appoint an alternate member for a political group which declines to nominate an alternate member.

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21. Length of speeches

Generally

21.1 **“Except for Executive Councillors, Chairs and spokespersons, who may speak for up to 5 minutes,”** no other speech shall subject to the exceptions provided elsewhere in Council Procedure Rules exceed **“3 minutes”** length (without the consent of the Council given by reason of the exceptional importance of the subject and which consent shall be ascertained by the Mayor either on his/her own initiative or on a motion made which shall be put without amendment or discussion. Provided that it shall be within the discretion of the Mayor to permit up to a further 3 minutes beyond the time so mentioned without the necessity for any such consent.

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PART 4B-ACCESS TO INFORMATION RULES-APPENDIX 2 PUBLIC SPEAKING RIGHTS

**“Extraordinary Council Meetings – public questions will only be taken on the single item of business for which the extraordinary meeting has been called.”**

#### Part 4EE-AREA COMMITTEE PROCEDURE RULES

##### 4. Co-opted Members

4.1 Each area committee shall invite county councillors **“where the clear majority of a County Council Division is within”** the area to be co-opted members. **“County Councillors may vote on all matters except for any decision relating to city council funding and the election of the Chair and Vice-Chair.”** Area committees may appoint such other non-voting co-opted members as they choose. Co-opted members may be appointed either in respect of the whole work of the area committee, or in respect of specific aspects of that work.

6.1 An area committee shall, at its first meeting of the municipal year, elect **“City Councillors as”** Chair and Vice Chair.....

6.1.2 In the absence from any meeting of the Chair and Vice Chair, a **“City Councillor as”** Chair for that meeting.....

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# **CAMBRIDGE CITY COUNCIL ANNUAL STATEMENT 2017-18**

Listed below are the Council's commitments for the coming year, drawn from the Corporate Plan that was adopted by the Council at the same time the Budget for 2017/18 was approved.

These 75 detailed commitments are split between each of the Council's seven core objectives.

As Leader, I will also circulate a short summary paper ahead of the Annual Council meeting to add further detail on the Council's core priorities and progress on the delivery of these commitments.

Councillor Lewis Herbert  
Leader of the Council  
May 2017

- 1. Delivering sustainable prosperity for Cambridge and fair shares for all**
  - i. Carry out the actions in our Anti-Poverty Strategy action plan including supporting and promoting the services offered by credit unions in Cambridge; and promoting the real living wage.
  - ii. Support children and families who face greatest need in the city by providing opportunities to be included and engaged in the life of the city.
  - iii. Ensure the impacts of welfare reform are managed smoothly and effectively to include the Council's local council tax reduction scheme; and work with the Department of Work and Pensions to support residents with the implementation of Universal Credit.
  - iv. Review community-based activity and facilities, and work in partnership, to ensure that services support those in greatest need.
  - v. Ensure through the planning process that new developments include community and other facilities that make them high quality places to live.

- vi. Work with partners to secure devolution of powers and funding from central Government, and expand joint delivery of public services.
- vii. Work in partnership with the new destination management organisation for Cambridge and the surrounding area to maximise the economic benefits from tourism to the city.
- viii. Work with digitally excluded tenants and residents to enable them to access online services that improve their life chances.
- ix. Continue to support vital citywide and local advice and support services for those most in need, provided by the Citizens Advice Bureau (CAB), our skilled council advisers and others. We will carefully target investments from our Sharing Prosperity Fund, and investigate expanding CAB outreach workers to other surgeries in communities of high need.

## **2. Tackling the city's housing crisis and delivering our planning objectives**

- i. Work with partner local authorities, Registered Providers and developers to build new homes across all tenures in accordance with the local plan, with a particular focus on maximising delivery of social rent housing.
- ii. Develop a "General Fund Development Programme" to make the most of the Council's land to provide new market, social rented, and potentially intermediate housing, at a range of sites including, for example:
  - Mill Road Depot; and
  - Park Street Car Park, also incorporating underground car parking, commercial space and a new cycle park.
- iii. Continue to provide council housing, focusing on those most in housing need.
- iv. Provide housing advice to reduce, and help prevent, homelessness by offering early advice on alternative housing options.
- v. Encourage private landlords to deliver good standard, energy-efficient housing and tackle those who do not.
- vi. Support health and social care partners to deliver effective community and home based support.
- vii. Seek to secure target of 40% affordable housing in new developments through the planning application process.

- viii. Support the local plans through the examination process to adoption and then joint implementation with partners, particularly in partnership with South Cambridgeshire District Council.
- ix. Ensure planning applications are dealt with within target timescales and resources.
- x. Develop further the Cambridge City Housing Company.
- xi. Work with our partners in the City Deal through the shared Housing Development Agency to deliver additional affordable homes for market sale and rent on sites in and close to Cambridge.
- xii. Seek ways to continue building new City Council homes.
- xiii. Work with our statutory and voluntary sector partners to reduce street-based homelessness.

### **3. Making Cambridge safer and more inclusive**

- i. Work to make the city a safer, more inclusive and welcoming place by promoting equality and diversity advice and events.
- ii. Work with County Council, Police and local residents and businesses to tackle anti-social behaviour issues, including littering, alcohol-related incidents, fly tipping and nuisance punt touts.
- iii. Ensure that Council departments, and the partners who deliver services on our behalf, meet high standards in protecting children and adults through our safeguarding activity.
- iv. Fund overnight street lighting across Cambridge that would otherwise have been lost, to reduce the risk of crime, reduce the fear of crime, and contribute to the wider safety of people travelling during the night or starting their journeys early morning.
- v. Upgrade CCTV, including relocatable CCTV, to continue its vital contribution to making Cambridge safer. We will target areas of the city which experience most crime or anti-social behaviour.
- vi. Follow up on the Public Spaces Protection Order to achieve effective measures to tackle anti-social behaviour from punt touts.
- vii. Implement the Mental Health Concordat in partnership with other organisations, refocusing council service delivery on the needs of residents experiencing mental health issues.

- viii. Continue to prioritise the prevention of domestic violence and sexual exploitation, in line with the city's White Ribbon status. . We will work with partner organisations to achieve this.
- ix. Continue to rehome homeless Syrian refugees, working with the Home Office and the network of East region councils. Work with Cambridge partner organisations, including the Cambridge Ethnic Community Forum and Cambridge Refugee Resettlement Campaign, and complete a survey of refugee and asylum seeker numbers and needs in Cambridge.
- x. Review the Council's approach to public engagement in formal council meetings and decision-making.
- xi. Review the role of people under eighteen in decision making and having a say on the delivery of council services that affect them.

#### **4. Investing in improving transport**

- i. Work in partnership to deliver the City Deal infrastructure schemes and other transport measures that support the sustainable growth of Cambridge by reducing traffic congestion and increasing pedestrian, cycle and public transport use; and by securing additional investment from Government, transport operating companies and others.
- ii. Manage off-street parking that supports business and residents' needs, investing in modernised payment systems and improved energy efficiency and developing a partnership with the County Council's parking and enforcement roles.
- iii. Work with Cambridge Business Improvement District, local retailers and businesses and City Deal partners to develop a plan to reduce delivery vehicle movements in the city centre.
- iv. Continue to deliver improved cycle routes, including the Chisholm Trail, other cross-city cycling initiatives and related cycling improvements.
- v. Work with the County Council, Network Rail and private sector partners on proposals for an Addenbrooke's Rail Station and following the May 2017 opening of Cambridge North station. These projects also require integration with improved bus and cycle options. We will also work to improve Cambridge rail station and to secure wider additional investments in the rail network benefitting Cambridge and Cambridgeshire.



## **5. Protecting our city's unique quality of life**

- i. Provide swimming, sport facilities and leisure services that are accessible to everyone, targeting our resources on promoting healthy lifestyles to address health inequalities.
- ii. Engage a greater proportion and diversity of residents in the arts and cultural life of Cambridge.
- iii. Provide funding and targeted advice to voluntary organisations, prioritising projects that tackle inequality.
- iv. Deliver capital projects that will enhance community infrastructure and quality of life for city residents in new and existing communities.
- v. Involve communities in the planning, development and management of community assets, including public land and buildings.
- vi. Maintain a high quality and accessible city centre environment by working with the County Council, Cambridge Business Improvement District and local retailers and businesses
- vii. Ensure that valuable green, natural and historic assets well-used by visitors and residents are protected and improved through the planning process.
- viii. Ensure that growth that balances economic success with quality of life and place (including in the design of new buildings) is supported, as set out in the current and emerging local plan strategy
- ix. Work with Cambridge Live, Cambridge BID and Visit Cambridge & Beyond to develop and deliver a programme of outdoor public events and activities and to maximise the economic benefits from visits and tourism.
- x. Implement the Council's new tree strategy and existing Council initiatives for improving tree numbers and quality, including increased promotion of the council's Trees for Babies scheme. We will seek clarity and partnership working from the County Council in order to retain and improve roadside tree provision.

## **6. Protecting essential services and transforming council delivery**

- i. Develop, and start implementing, our Office Accommodation Strategy, working with shared service partners to achieve cost and carbon savings.
- ii. Generate more income from the commercial property portfolio through investment in new and existing property.

- iii. Implement, monitor and review shared ICT, Building Control and Legal Services.
- iv. Review existing, and explore new, opportunities for shared services.
- v. Review current commercial activities and skills and invest in further developing them.
- vi. Develop new business models to deliver sustainable commercial revenue streams to support essential council services, using the Council's "invest for income" fund where appropriate.
- vii. Establish a new operational depot for Streets & Open Spaces and Estates & Facilities.
- viii. Achieve service improvements and efficiencies by carrying out a comprehensive service review of Streets and Open Spaces.
- ix. Ensure customer contacts and queries are managed in a prompt, efficient and responsive way, adopting new self-service technologies to enable customers to access services 24/7.
- x. Explore joined up working with neighbouring councils to deliver better services and results for Cambridge residents and businesses and deliver greater efficiencies.
- xi. Seek to protect residents' services despite the expected loss of 100% of the Council's core grant by 2020. We will develop and implement our 'Plan for 2020', a four year plan linked to obtaining funding certainty from the Government.
- xii. Support the case for Cambridgeshire and Peterborough to jointly manage all the business rates generated in the county to tackle inequality across the county, and address the infrastructure and affordable housing deficit which is a risk to sustainable growth.
- xiii. Press Government to retain the New Homes Bonus because providing additional new housing depletes council finances and the New Homes Bonus offers some compensation for these extra costs, ensuring that future growth is sustainable.
- xiv. We will seek the best devolution settlement with Government, in partnership with other Cambridgeshire councils, the Greater Cambridge Greater Peterborough Enterprise Partnership and others.
- xv. Explore opportunities to develop further the Council's investment strategy in property, housing, energy efficiency and renewable energy projects.
- xvi. Establish a new, commercially successful garage and fleet maintenance operation at Waterbeach, co-located with the shared waste and recycling service.

## **7. Tackling climate change, and making Cambridge cleaner and greener**

- i. Implement the actions in our Climate Change Strategy, reducing emissions from our own estate and our property portfolio.
- ii. Work with residents, businesses and other organisations to reduce emissions in the city; including working with coach, bus and taxi operators to reduce vehicle emissions harmful to public health.
- iii. Adapt further to the impacts of climate change to increase the city's ability to cope with extreme weather, particularly for the most vulnerable.
- iv. Work with local residents and businesses with the aim of increasing waste recycling rates and reduce total waste generated per capita.
- v. Provide high quality Green Infrastructure that enhances residents' quality of life.
- vi. Ensure that new developments meet the council's policies for sustainable construction and energy and water efficiency.
- vii. Ensure that new developments provide the open space and recreational facilities that residents need.
- viii. Implement and develop the shared waste service with South Cambridgeshire District Council.
- ix. Improve the general cleanliness of streets and open spaces, with greater public input on cleaning and enforcement decisions to target Cambridge's most challenging locations.
- x. Review and improve cleanliness of streets and public open spaces and provide greater opportunities for the public to influence decisions on cleansing and enforcement in order to target Cambridge's most challenging locations.
- xi. Work with the police to identify the small number of people responsible for repeat graffiti around the city, and tackle this costly anti-social behaviour.

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## CAMBRIDGE CITY COUNCIL

Record of Executive Decision

**2017/18 HOUSING REVENUE ACCOUNT AFFORDABLE RENTS  
SPECIAL URGENCY DECISION**

**Decision of:** Councillor Price, Executive Councillor for Housing

**Reference:** 17/URGENCY/HS/1

**Date of decision:** 20 February 2017 **Recorded on:**

**Decision Type:** Key Decision

**Matter for Decision:** Approve that affordable rents are reviewed in line with rent legislation, to ensure that the rents charged are no more than 80% of market rent, with this figure then reduced by 1%, as with social housing. Local policy is to cap affordable rents at the Local Housing Allowance level, which will result in a rent freeze from 3<sup>rd</sup> April 2017 for 1 and 3 bedroom properties, and a 3% increase in combined rents and charges for 2 and 4 bedroom properties.

**Why the decision had to be made (and any alternative options):** The national review of Local Housing Allowance levels for the Cambridge area, has resulted in an increase in the Local Housing Allowance for both 2 and 4 bedroom properties. The rates for single rooms, 1 and 3 bedroom properties have been frozen as expected. The increase in rates for 2 and 4 bedroom properties is in recognition of the above average increase in market rental values for this size of dwelling in this area specifically.

As a direct result of this announcement, an urgent decision is sought, to allow the authority to reflect the increase in combined rents and charges for 2 and 4 bedroom affordable rented homes with effect from 3<sup>rd</sup> April 2017, to ensure that they continue to be capped at the Local Housing Allowance level in line with local policy.

**The Executive Councillor's decision(s):** Approved that affordable rents are reviewed in line with rent legislation, to ensure that the rents charged are no more than 80% of market rent, with this figure then reduced by 1%, as with social housing. Local policy is to cap affordable rents at the Local Housing Allowance level, which will result in a rent freeze from 3<sup>rd</sup> April

2017 for 1 and 3 bedroom properties, and a 3% increase in combined rents and charges for 2 and 4 bedroom properties

**Reasons for the decision:**

As detailed in the Officer's report

**Scrutiny consideration:**

As required by the Councils Constitution under the urgent decisions and special urgency procedure rules (Para 9 of Part 4B), the agreement of the Chair and Vice Chair of the Housing Scrutiny Committee has been obtained.

**Report:**

A report detailing the background and financial considerations is attached.

**Conflicts of interest:**

n/a

**Comments:**

This urgent decision under special urgency will be reported back to Full Council on 20 April 2017 and the Housing Scrutiny Committee on 20 June 2017.



To: Executive Councillor for Housing: Councillor Kevin Price  
Report by: Julia Hovells, Business Manager / Principal Accountant (Housing)  
Relevant scrutiny committee: Housing Scrutiny Committee 20/2/2017  
Wards affected: All Wards

## **2017/18 HOUSING REVENUE ACCOUNT AFFORDABLE RENTS URGENT DECISION**

### **Key Decision**

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#### **1. Executive summary**

- 1.1 As part of the 2017/18 budget process, the Executive Councillor for Housing approved that rents and charges for affordable rented homes would continue to be capped, in line with local policy, at the prevailing rate of the Local Housing Allowance, which is well below the 80% market rent which affordable rented homes can be introduced at.
- 1.2 For 2017/18, this was expected to result in a freeze in rent, with anticipated freezes in Local Housing Allowance levels for 3 years from April 2017.
- 1.3 It has since been announced that the national review of Local Housing Allowance levels for the Cambridge area, has resulted in an increase in the Local Housing Allowance for both 2 and 4 bedroom properties. The rates for single rooms, 1 and 3 bedroom properties have been frozen as expected. The increase in rates for 2 and 4 bedroom properties is in recognition of the above average increase in market rental values for this size of dwelling in this area specifically.
- 1.4 As a direct result of this announcement, an urgent decision is sought, to allow the authority to reflect the increase in combined rents and charges for 2 and 4 bedroom affordable rented homes with effect from 3<sup>rd</sup> April 2017, to ensure that they continue to be capped at the Local Housing Allowance level in line with local policy.

- 1.5 This increase will impact 112 properties, not all of which are currently let. 110 of them are 2 bedroom properties and 2 are 4 bedroom properties.
- 1.6 The charge for a 2 bedroom property will change by £4.57 per week, on a 48 week rent basis (£4.22 on a 52 week basis) and the charge for a 4 bedroom property will change by £7.09 per week, on a 48 week rent basis (£6.54 on a 52 week basis)

## **2. Recommendations**

The Executive Councillor, is recommended, under urgency, to:

### **Review of Rents and Charges**

- a) Approve that affordable rents are reviewed in line with rent legislation, to ensure that the rents charged are no more than 80% of market rent, with this figure then reduced by 1%, as with social housing. Local policy is to cap affordable rents at the Local Housing Allowance level, which will result in a rent freeze from 3<sup>rd</sup> April 2017 for 1 and 3 bedroom properties, and a 3% increase in combined rents and charges for 2 and 4 bedroom properties.

## **3. Implications**

### **(a) Financial Implications**

The financial implications associated with the urgent decision to reflect the announcements of an increase in Local Housing Allowance levels for 2 and 4 bedroom properties will be incorporated into budgets and financial forecasts as part of the Medium Term Financial Strategy.

### **(b) Staffing Implications**

There are no direct staffing implications associated with this urgent decision.

### **(c) Equality and Poverty Implications**

An Equalities Impact Assessment was undertaken in respect of the HRA Budget Setting Report. This change will impact up to 112 households, but the increase in rents and charges will be fully eligible for housing benefit.

### **(d) Environmental Implications**

There are no direct environmental implications associated with this urgent decision.



**(e) Procurement**

There are no direct procurement implications associated with this urgent decision.

**(f) Consultation and communication**

Consultation with tenant and leaseholder representatives is an integral part of the Housing Scrutiny Committee process.

**(g) Community Safety**

Any community safety implications are outlined in the HRA Budget Setting Report 2017/18, appended to this report.

**4. Background papers**

These background papers were used in the preparation of this report:

Housing Revenue Account Budget Setting Report 2017/18  
LHA 2017/18 Tables (as published by Communities and Local Government)

**5. Appendices**

Table 5 of the LHA 2017/18 Tables, as published by Communities and Local Government.

**6. Inspection of Papers**

To inspect the background papers or if you have a query on the report please contact:

Author's Name: Julia Hovells  
Author's Phone Number: 01954 - 713071  
Author's Email: [julia.hovells@cambridge.gov.uk](mailto:julia.hovells@cambridge.gov.uk)

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