

Public Document Pack

NOTICE OF COUNCIL MEETING - 19 APRIL 2012

Dear Councillor,

A meeting of Cambridge City Council will be held in the Council Chamber - Guildhall on Thursday, 19 April 2012 at 6.00 pm and I hereby summon you to attend.

Dated 11 April 2012

Yours faithfully

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

Chief Executive

Agenda

- 1 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2012** *(Pages 1 - 24)*
- 2 **MAYORS ANNOUNCEMENTS**
- 3 **PUBLIC QUESTIONS TIME - SEE AT THE FOOT OF THE AGENDA FOR DETAILS OF THE SCHEME**
- 4 **TO CONSIDER THE RECOMMENDATIONS OF COMMITTEES FOR ADOPTION**

Civic Affairs (21 March 2012)

4a Area Committees - amendment to the Constitution to reflect functions delegated by the Executive

(Pages 25 - 34)

4b Review of the Council's Audio and Visual Recording Protocol

(Pages 35 - 50)

5 TO DEAL WITH ORAL QUESTIONS

6 TO CONSIDER THE FOLLOWING NOTICES OF MOTION, NOTICE OF WHICH HAS BEEN GIVEN BY:

6a Councillor Price

In the light of complaints about work quality following the transfer of the planned maintenance contract to an outside contractor, and the promises made that the first year's scheduled work would be completed on time and to quality standards after delays in mobilisation, this Council calls for a full internal audit investigation into the effects of the delayed handover, work delivery, management, and costings relating to this contract.

6b Councillor Marchant-Daisley and Todd-Jones

The Council recognises the vital contribution that well-run Houses in Multiple Occupation (HMOs) make in providing housing for families, students, professionals and migrant workers.

However, given problems from some HMOs failing to deliver quality, safe housing, or creating serious problems for neighbours, the Council requests the Executive Councillor for Housing to bring forward a report to assess options to improve the operation and regulation of HMOs in Cambridge, including:

- 1) extending the current HMO definition to include all properties with 3 or more people in two or more unrelated households, regardless of the building layout
- 2) improved enforcement of breaches of licences granted to HMOs, and
- 3) wider adoption of best practice on HMOs by comparable cities including Oxford,

and that the Head of Planning Services also report to the Executive Councillor for Planning and Sustainable Transport and the Development Plan Scrutiny Sub-Committee on the future option of denying permission for additional HMOs in any street or 200 metre stretch of any street where HMO numbers reach 25% of residential properties, to enable inclusion of this proposal in the summer 'issues and options' consultation on the Cambridge Local Plan 2014 to 2031.

6c Councillor Ashton

The Council extends its wholehearted congratulations to Marshall of Cambridge for its outstanding contribution to the city, and most recently for persuading the European Office of ExecuJet to relocate from Switzerland to Cambridge, at a time when other firms are leaving the UK.

The Council is committed to supporting the continued success of all major Cambridge employers and welcomes the Marshall decision to retain its main base in Cambridge, thus helping to protect 2000 direct jobs plus an estimated 4000 further local jobs that currently service this great Cambridge company.

6d Councillor McGovern

This Council:

- welcomes news that there will be no programme of post office closures under the Coalition Government.
- recognises that the Post Office is more than a commercial entity and serves a distinct social purpose.
- notes that the Coalition Government will support greater involvement of local authorities in planning and delivering local post office provision.
- asks officers to investigate opening post office branches in locations where Cambridge residents access council services

7 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.

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.

QR Codes

(for use with Smart Phones)



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, which 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.

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COUNCIL

23 February 2012

6.00 pm - 0.36 am

Present: Councillors Nimmo-Smith (Chair), Hart (Vice-Chair), Al Bander, Ashton, Benstead, Bick, Bird, Blackhurst, Blencowe, Boyce, Brierley, Brown, Cantrill, Dryden, Herbert, Hipkin, Marchant-Daisley, McGovern, McPherson, Moghadas, O'Reilly, Owers, Pippas, Pogonowski, Price, Reiner, Rosenstiel, Saunders, Smart, Stuart, Swanson, Taylor, Todd-Jones, Tucker, Tunnacliffe, Ward and Znajok

FOR THE INFORMATION OF THE COUNCIL**12/5/CNL To approve as a correct record the minutes of the meetings held on 20th October 2011 and 11th January 2012**

The minutes of the meetings held on 20th October 2011 and 11th January 2012 were confirmed as a correct record and signed by the Mayor.

12/6/CNL Mayors Announcements**1. Apologies**

Apologies were received from Councillors Kerr, Kightley, Reid, Smith and Wright.

It was noted that Councillors McPherson and Pogonowski would be arriving late.

2. Welcome Tobias Schmitt

The Mayor welcomed Mr. Tobias Schmitt from Cambridge's twin City of Heidelberg to the meeting. As a student at the University of Heidelberg studying English and French, Tobias had been spending the past three weeks with the City Council undertaking a work experience programme.

3. Fund Raising

The Mayor reported that the wine tasting evening held in October for Cruse Bereavement Care had raised in excess of £4,000 and the ceilidh held on 20th January had raised £2,500 for the Whitworth House appeal fund. The Mayor thanked councillors that had supported the events.

The Large Hall had also been offered to the charity FLACK in order to hold a cabaret evening featuring the spoken word, music and visual art showcasing the best talents of the City's homeless community. Over £800 had been raised as a result of this event.

Councillors were reminded about the wine and cheese evening taking place on Saturday 3rd March at the Colville School, Cherry Hinton to raise funds for AFASIC.

4. Cambridge-Hedielberg Easter Festival

The Mayor confirmed that this year Cambridge would be hosting the annual Easter Festival. A civic reception for participants would take place at the Guildhall on Thursday, 5th April.

5. Diamond Jubilee

The Mayor confirmed that, on behalf of the City, he had conveyed congratulations to Her Majesty The Queen on the occasion of the 60th anniversary of her accession to the throne.

6. Honorary Councillor Elaine Wheatley

With sadness the Mayor reported the death of Honorary Councillor Elaine Wheatley who passed away on 14th January 2012. Elaine had first joined the City Council in 1976 and had given stalwart service through the 1980s and into the early 1990s. Her particular interest on the City Council had been housing, and, more recently she had worked extremely hard on behalf of the Friends of Whitworth House, one of the Mayors chosen charities, which sought to provide temporary, supported housing for young women.

In 1989 Elaine had also been elected to Cambridgeshire County Council, representing Queen Edith's Ward, and had chaired the Social Services Committee.

The Council remembered Honorary Councillor Elaine Wheatley by standing for a moment's silence.

7. Social Media Workshop

It was noted that a session on the use of social media in the context of the Councillor role would be organised in March. The workshop would give members a chance to learn more and to share knowledge and experiences.

Also an event covering the use of Twitter would be held on Wednesday, 29th February at 10am at South Cambridgeshire District Council.

Members were asked to contact Committee Services if they would like any further information.

8. Declarations of Interest

Councillor	Item	Interest
Councillor Al Bander	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign
Councillor O'Reilly	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign
Councillor Reiner	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign
Councillor Rosenstiel	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign
Councillor Saunders	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign
Councillor Taylor	12/12/CNLB	Personal – Member of Cambridge Cycling Campaign

12/7/CNL Public Questions Time

1) Mr John Marais addressed the Council regarding the 30-year business plan for the Housing Revenue Account and made the following comments:

- Noted the advantages of the proposals over the shortcoming of the previous negative subsidy scheme.
- Questioned the definition of the historic national debt and expressed significant concern that the responsibility for servicing the debt was being passed to tenants who were not responsible for accruing the debt in the first place.
- Highlighted the inadequate level of housing investment.

- Highlighted significant concern about the assumption that rents would continue to raise above the rate of inflation.
- Advertised a local meeting regarding concerns about the proposed changes.

The Executive Councillor for Housing thanked Mr Marais for attending the Council meeting and asking a public question. The concerns raised were acknowledged and the Executive Councillor made the following comments in response:

- Acknowledged that the 600 proposed units would not fulfil all the housing needs in the city, but that not all individuals on the housing needs register were in desperate need.
- The complexities of the proposals were acknowledged, and caution was expressed about over-simplifying the arguments.

Mr Marais responded and suggested that there was not a single approach to convergence. The Executive Councillor explained where in relation to market rent, the Council and local Housing Association rents were comparable.

2) Ms Deards addressed the Council to seek an update on the proposals in relation to the closure of Fishers Square. Specific clarification was requested on the timing of consultation with the fire service, the completion of an Equalities Impact Assessment and the nature of planned consultation.

Councillor Brown, in her capacity as Chair of the Public Toilet Working Party, responded and made the following comments:

- Confirmed that the toilets would remain in their current position.
- Explained that the Working Party had expressed significant concerns about the proposed re-routing of access to the toilets via the Grand Arcade entrance, but that in the absence of a viable alternative scheme it had been agreed that the proposal should with reluctance proceed to the next stage. It was noted that Ms Deards was a co-opted member of the Working Party and that the vote had been unanimous.
- Highlighted that the walkway was subject to a Walkways Agreement, but was not a public right of way. It was noted that it was a County Council decision to resolve.
- It was explained that it would be inappropriate to comment on the planning application as it had yet to be submitted.

3) Mr Lucas Smith addressed the Council in relation to agenda item 5c, to seek an increase in the dedicated provision for Cycling, namely the reinstatement of the full time Cycling Officer post. Clarification was also requested on the current status of the proposed training on cycling issues for planning officers, which had been highlighted at a previous meeting.

The Executive Councillor for Planning and Sustainable Transport explained that anything to promote cycling was a good idea, but that the question was based on a false assumption. The Executive Councillor explained that the resources had not been reduced, but simply transferred to different budgets. The Executive Councillor agreed to respond to the public speaker outside of the meeting regarding the status of the planning training.

4) Mr Cahn addressed the Council in support of motion 8b, and emphasised the positive benefits of cycling.

The Executive Councillor for Planning and Sustainable Transport welcomed the sentiments expressed but highlighted the difficulties of retrofitting improvements into the historic city due to the finite amount of space available.

5) Mr Woodburn addressed the Council in support of motion 8a and explained the unique position of Cambridge with specific reference to high levels of cycling and pedestrian participation. Councillors were encouraged to support the Motion.

The Executive Councillor for Community Development and Health thanked the public speaker for addressing the Council.

Change of agenda order

Under paragraph 4.2.1 of the Council Procedure Rules, the Mayor used his discretion to alter the order of the agenda to take agenda item 8b (minute item 12/12b/CNL) after agenda item 3 (minute item 12/7/CNL).

However, for ease of the reader, these minutes will follow the order of the published agenda.

12/8/CNL To consider the recommendations of the Executive for AdoptionStrategy and Climate Change Portfolio Plan - Revised Vision Statements (The Leader)

Resolved (by 20 votes to 0) to:

Adopt the revised vision statements

Devolving Decisions to Area Committees (Executive Councillor for Community Development and Health and Executive Councillor for Arts, Sport and Public Places)

Resolved (by 21 votes to 2) to:

Extend the terms of reference of Area Committees to include exercise of the following delegated functions:

- public art
- public realm
- community facilities
- play and open space projects funded by developer contributions
- non-statutory tree planting
- safer city grants

Mid-Year Treasury Management Report (The Leader)

Resolved (by 21 votes to 0) to:

Approve the changes to the Prudential and Treasury Management Indicators as set out in Appendix 2 of the officer's report. These will be used to update the annual Budget Setting Report.

Housing Revenue Account Self-Financing Business Plan, Asset Management Plan and Budget Report - 2012/13 (Executive Councillor for Housing)

Resolved (by 22 votes to 0) in line with the recommendation of the Executive Councillor for Housing following a special joint meeting of Housing Management Board and Community Services on 8 February 2012 to:

- i. Approve the detailed 30-Year Housing Revenue Account Business Plan 2012/13 to 2041/42 at Appendix A of officer's report.
- ii. Approve the Rent Policy as detailed in Appendix C of the HRA Business Plan 2012/13 to 2041/42.
- iii. Approve the detailed 30-Year Housing Revenue Account Asset Management Plan 2012/13 to 2041/42 at Appendix B of the officer's report.
- iv. Approve the 2012/13 budget as shown in Appendix G of the HRA Business Plan.
- v. Approve the Housing Capital Investment Plan for 2011/12 to 2016/17, as detailed in Appendix H of the HRA Business Plan and Appendix F to the HRA Asset Management Plan, to include approval of in-year savings in capital budgets, re-allocation of budgets for decent homes works, rephasing of existing projects and schemes, and approval of capital bids as submitted as part of the 2012/13 budget process.
- vi. Approve, incorporating presentational amendments, the long-term Housing Capital Investment Plan for 2012/13 to 2041/42, as detailed in Appendix I of the HRA Business Plan and Appendix G to the HRA Asset Management Plan.
- vii. Approve a Housing Capital Allowance for 2012/13 of £21,663,000.
- viii. Agree that the authority borrow funds from the Public Works Loans Board in 2011/12, as detailed in Section 9 of the HRA Business Plan and summarised in paragraphs 3.6 to 3.16 of the officers report, to facilitate payment of the full self-financing settlement sum due to government on 28th March 2012.
- ix. Approve that the Director of Resources have delegated authority to make the final decision with regard borrowing arrangements to facilitate payment of the self-financing settlement sum on 28th March 2012, based upon the prevailing interest rates and loan types available for that date.

12/9/CNL To consider budget recommendations of the Executive for Adoption

Draft Revenue and Capital budgets 2011/12 (Revised), 2012/13 (Budget) and 2013/14 (Forecast) (The Leader) - Executive Amendment

The Executive presented its budget recommendations as set out in the Council Agenda and on the amendment sheet circulated around the Chamber.

Labour Group Amendment - Draft Revenue and Capital budgets 2011/12 (Revised), 2012/13 (Budget) and 2013/14 (Forecast)

Councillor Herbert presented the Labour Group's alternative budget as set out in the Council Agenda.

Councillor Hipkin Budget Statement

Councillor Hipkin presented a short budget statement.

Labour Group Alternative Budget Amendment

Under the Council's budget procedure, the Labour Group's alternative budget was deemed to have been moved and seconded as an amendment.

On a show of hands the Labour Group's alternative budget amendment was lost by 13 votes to 20.

In accordance with the Council's budget procedure, Councillor Herbert moved separately the following proposals, which formed part of the Labour Group alternative budget::

Reference	Details
LB10	'Celebrate 2012 Fund'

On a show of hands the proposal was lost by 13 votes to 20

Reference	Details
LB04	Full time Dog Enforcement Officer
LC04	Install 50 new dog bins, and consider further bins 2013
LB05	Maintain the additional 50 new dog bins

On a show of hands the proposal was lost by 13 votes to 20

Reference	Details
LB11	Reinstate full time Cycling Officer
LC01	Funds to support negotiations on installation of additional secure cycling parking in city centre and at station – EIP1
LC02	Fix dangerous pavements, paving and cycleway problems reported by public – EIP2

On a show of hands the proposal was lost by 13 votes to 20

Unless otherwise stated, all references in the recommendations to sections, pages and appendices relate to Version 4 of the Budget Setting Report (BSR).

This can be found via the Council agenda page:

<http://www.cambridge.gov.uk/democracy/ieListDocuments.aspx?CId=116&MId=533&Ver=4>

RESOLVED (by 21 votes to 0) to agree the Executive's budget proposals:

***General Fund Revenue Budgets and Cash Limits / Savings targets:
[Section 4, commencing on page 30 refers]***

in relation to the General Fund Revenue Budgets 2011/12 :

- a) Approved the 2011/12 Revised Budget Savings and Bids as shown in Appendix D [page 75 refers].
- b) Approved the Non Cash-Limit budget items for 2011/12 as shown in Appendix E [page 86 refers].
- c) Approved the overall revised budget for 2011/12, with net spending at £21,464,340, as shown in Appendix G (a) [page 109 refers].

in relation to the General Fund Revenue Budgets 2012/13 :

- d) Approved the 2012/13 Non Cash-Limit budget items as shown in Appendix E [page 86 refers].
- e) Approved the 2012/13 Revenue Bids and Savings as shown in Appendix F [page 87refers].
- f) Approved the Bids to be funded from External or Earmarked Funds, as shown in Appendix H [page 112, refers]
- g) Agreed the Priority Policy Fund (PPF) Bids, as shown in Appendix I (a) [page 116 refers].
- h) Approved the overall base budget for 2012/13, with net spending at £17,637,700, as shown in Appendix G (a) [page 109 refers, and funding as shown in Appendix G (b) [page 110 refers] and summarised below:

2012/13
£

SPENDING:**Scrutiny Committees / Portfolios**

Community Services – Arts, Sport & Public Places	5,546,950
Community Services – Community Development & Health	3,496,900
Community Services – Housing	2,750,140
Environment – Environmental & Waste Services	8,829,890
Environment – Planning & Sustainable Transport	1,404,530
Strategy & Resources - Customer Services & Resources	(5,148,740)
Strategy & Resources – Strategy & Climate Change (including central adjustments to be allocated)	2,093,880
Committees / Portfolios Total	18,973,550

Capital Adjustments Account	839,230
Minimum Revenue Provision Adjustment	(3,972,040)
Contribution to Efficiency Fund	200,000
Revenue Contribution to Capital Spending	1,381,000
Contribution to Climate Change Fund	129,050
Council Tax Earmarked for Growth	86,910
Spending Requirement	17,637,700

FUNDING:

Formula Grant	(8,598,810)
Council Tax Compensation Grant 2012/13	(171,600)
New Homes Bonus 2011/12 & 2012/13	(1,521,540)
Collection Fund Deficit (net)	87,110
Raised from Council Tax (based on recommendation (k), below)	(6,831,370)
Total Funding	(17,036,210)

Contribution from Reserves **(601,490)**

i) Approved the level of reserves to be used to support the 2012/13 budget, at £601,490 as shown above and in Appendix G(c) [page 111 refers].

j) Approved the Council Tax Base as set out Appendix C (a) [page 74 refers] and set the level of Council Tax for 2012/13 as set out in Appendix C (b) [pages 74(a) and 74(b) refer], based on a 99% collection rate [Section 3, page 27 refers], and that all necessary steps be taken to collect and the Council Tax.

In summary:

- The Council Tax base has been calculated at 41,012 – see Appendix C (a)[page 74 refers];
- No increase in the City Council level of Council Tax at band D, staying at £166.57 in 2012/13 (0%) – see Appendix C (b) [pages 74(a) and 74(b) refer] also attached;

Note that the Cambridgeshire Police Authority met on 9 February 2012, Cambridgeshire & Peterborough Fire Authority met on 16 February 2012 and Cambridgeshire County Council met on 21 February 2012, to consider the amounts in precepts to be issued to the City Council for the year 2012/13. This information was circulated at the meeting and included as an amended Appendix C(b).

k) Approved:

- (i) the Prudential Indicators as set out in Appendix T(a) (page 193 refers) and to confirm that the “Authorised Limit” determined for 2012/13 will be the statutory limit determined under section 3 of the Local Government Act 2003.
- (ii) to delegate to the Director of Resources, within the borrowing totals for any financial year within (i) above, to effect movement between the separately agreed figures for ‘borrowing’ and ‘other long term liabilities’.
- (iii) the Treasury Management Annual Borrowing and Investment Strategies set out in Appendices T(b) (page 199 refers) and T(c) (page 201 refers), particularly:

- to increase the maximum sum that can be invested with HSBC Bank Plc from £12m to £16m.

- to amend the limit for a single named institution from £6m to £10m; (retaining the existing maximum sum which may be invested with counterparties belonging to the same company group at 1.5 times the level for a single named institution); and

• to have the flexibility to use other financial means available to the Council, such as bank call accounts, notice accounts, money market funds, treasury bills and gilts. However, use of such financial instruments would be subject to an assessment in conjunction with the Council's treasury management advisors (Sector) to ensure that it would not prejudice the council's deposit priorities.

(iv) amendments to the Council's Approved Lending (Revised Counterparty) List, shown in Appendix T(c), Annex 3 (page 210 refers)

l) Delegated to the Director of Resources authority to finalise changes relating to corporate and departmental restructuring and the reallocation of support service and central costs, in accordance with the CIPFA Service Reporting Code of Practice for Local Authorities (SeRCOP) which applied from 1 April 2011 i.e. for 2011/12 budgets.

Capital: [Section 6, page 47 refers]

in relation to the Capital & Revenue Projects Plan: [section 6, page 50 refers]

m) Approved the following project appraisals, that have been referred by Executive Councillors:

From the Executive Councillor for Arts, Sport and Public Spaces:

- (i) Cherry Hinton Hall Grounds improvements
- (ii) Coleridge Recreation Ground improvements

From the Executive Councillor for Community Development & Health:

- (i) Centre at St Paul's – Redevelopment of the main hall
- (ii) Clay Farm Community Centre
(separate Report on CD&H agenda)

From the Executive Councillor for Housing:

- (i) Energy Efficiency Grant
- (ii) Landlord Accreditation Grant

From the Executive Councillor for Environmental & Waste Services:

(i) Vehicle replacements 2012/13

From the Executive Councillor for Customer Services and Resources:

- (i) Content Management System Replacement
- (ii) Introduction of a metered electricity supply on Cambridge Market
- (iii) Electronic Market Management System

Other:

Agreed inclusion in the Capital & Revenue Projects Plan of new items identified below, to note additional funding for revised schemes approved by Executive Councillors namely:

- PR018 - Bus Shelters
- SC517 - Fuel Tanks Relining
- SC518 - Corn Exchange Lighting Improvement
- SC519 - Wulfstan Way Art Project
- SC520 - Community Olympic Public Art Commission

n) Agreed any recommendations to Council in respect of the bids outlined in Appendix O(a) (page 159 refers) for approval to include in the Capital Plan, or put on the Hold List, including any additional use of reserves required.

From the Executive Councillor for Planning and Sustainable Transport:

Approved the removal of item H28 – Park Street Car Park, as identified in Appendix P (page 182 refers), from the Council's Hold List.

o) Agreed the Capital & Revenue Projects Plan , as shown in Appendix M (page 141 refers) for the General Fund (which will be updated to incorporate rephasing, new bids and the above recommendations) and Appendix S (*to be included in Version 5 – see Note*) for the Housing Capital Investment Programme.

p) Noted the impact of revenue, capital and other approvals and approve the level of reserves to be used to:

- i) support the 2011/12 budget
- ii) support the 2012/13 and future years budgets.

[Appendix G(c), page 111 refers]

in relation to the Housing Revenue Account: [Section 5, page 41 refers]

q) Noted that the amendments resulting from the announcement of the final HRA Self-financing Determinations on 1 February 2012 were considered at a special meeting of the Housing Management Board with Community Services Scrutiny Committee on 8 February 2012.

Changes approved to the Budget Setting Report as a result:

Housing Revenue Account Self-financing Determinations

Executive Amendment available via:

<http://www.cambridge.gov.uk/democracy/mgConvert2PDF.aspx?ID=9108>

(b) Replaced Section 5 HRA Revenue, of the BSR (pages 41 to 46), with the updated version as circulated

(c) Updated Section 6 Capital, of the BSR (pages 52 to 54), with the updated text as circulated

(d) Included Appendix L Housing Revenue Account Summary 2012/13 to 2016/17 (at page 132).

(e) Included Appendix S Housing Capital Investment Programme (at page 185).

(f) Replaced Appendix T(a) Treasury Management Capital Prudential Indicators, of the BSR (pages 187 to 194) with the updated version as circulated (*Note – Annexes 1 & 2 of this appendix are unchanged.*)

(g) Replaced Appendix T(b) Treasury Management Borrowing Strategy, of the BSR (pages 199 to 200) with the updated version as circulated

(h) Updated Appendix U Sensitivity Analysis, of the BSR (page 215) with the updated text as circulated.

Other:

r) Approved a contribution to the Climate Change Fund in 2012/13 of £129,050. *(Note: this was previously included in page 109 of Appendix G(a) of the BSR under the line for 'Use GF reserves above £5m').*

12/10/CNL To consider the recommendations of Committees for Adoption

Civic Affairs – 1 February 2012

Members Allowances Scheme 2012/13

Resolved (unanimously) to:

Approve the Members Allowances Scheme 2011/12 for the 2012/13 municipal year, but review it as part of the Leaders full review of the Council's decision-making processes in 2012/13.

12/11/CNL To deal with Oral Questions

1. Councillor O'Reilly to the Executive Councillor for Community Development and Health

Given the likely increase in homeless people living on the streets of Cambridge, and the appalling and tragic attack beside the River Cam, will he lead work with the police, social services, voluntary agencies and CCTV to increase protection for homeless people living rough in Cambridge?

The Executive Councillor for Community Development and Health responded to the question and explained that, along with Councillor Smart, he was heavily engaged with the issue. Developments already implemented and planned over forthcoming months were highlighted.

With specific reference to the attack, the Executive Councillor explained that the evidence indicated that it was simply unfortunate circumstances, rather than part of a wider issue of violence towards homeless people in the city.

2. Councillor Hipkin to the Chair of the Planning Committee

Would you consider introducing a requirement upon the Planning Committee that when it overturns an officer's recommendation it should nominate at least one from among those members who support the overturn to attend any subsequent appeal hearing or inquiry to defend the Committee's decision before the Inspector?

This Oral Question was tabled, but not covered during the meeting as the questioner had left the Chamber.

3. Councillor Brown to the Executive Councillor for Arts, Sport and Public Places

Could the Executive Councillor provide members with an update regarding the consultation on the piece of land owned by the council at 103 Mill Road?

The Executive Councillor for Arts, Sport and Public Places responded.

The consultation took place between the 15 and 30 January and 127 people had responded to the survey.

- 89 respondents said "yes" they believed inclusion of the Council's land to form part of the proposed loading bay would have an adverse impact on the amenity value of the Council's public open space at this location.
- 38 respondents said "no" they did not believe inclusion of the Council's land to form part of the proposed loading bay would have an adverse impact on the amenity value of the Council's public open space at this location.

To date Sainsbury's had not submitted an appeal to the planning refusal in October and had not entered into any further correspondence with the Council to discuss part of the Council's land being dedicated as a loading bay. The consultation would inform any decision, should a decision be called for, about whether to transfer a part of the public open space to facilitate a lay-by. The consultation would be a key factor in the decision and the Executive Councillor

would use these results, along with any other considerations, in arriving at his decision.

4. Councillor Dryden to the Leader of the Council

There was a motion put to full council on 7th April 2011, proposed by Councillor Owers and seconded by myself. In this motion we noted many of our concerns on what the Secretary of State for Health, Andrew Lansley MP is proposing in his NHS reform bill. At the end of our list of concerns in our motion we asked for the Council to ask the Chief Executive to organise a public meeting at the Guildhall and invite the Secretary of State for Health to speak, so he can explain these reforms and respond to the deep concerns of Cambridge residents. To date this has not take place what are the reasons for not being able to organise this meeting?

The Executive Councillor for Housing responded in the absence of the Leader, and explained that to date the Secretary of State had not agreed to the request.

5. Councillor Owers to the Executive Councillor for Environmental and Waste Services?

Will the ruling group heed calls from the Labour group and take effective and immediate action on expanding kerbside plastic recycling in the blue bins, as they have been promising for years?

The Executive Councillor for Environmental and Waste Services explained that a report would be coming to Environment Scrutiny Committee on 13th March 2012 to look at future options.

6. Councillor Herbert to the Executive Councillor for Customer Services and Resources

Will he follow the example of Oxford City Council and commit to implementing a minimum 'Living Wage' of £7.20/hour for staff employed by all council contractors delivering major council services in Cambridge?

The Executive Councillor clarified that whilst the question formed part of the Oxford City Council procurement process it was not a pass/fail question nor was it scored. He explained that s17 of the Local Government Act limited the ability of the Council to use non-commercial questions as part of the procurement process. The Executive Councillor also explained that a report would be presented to the Strategy and Resource Scrutiny Committee in July 2012 regarding this issue.

7. Councillor Pogonowski to the Leader

In light of the recent High Court ruling on prayers in Councils, will the Leader consider ending Cambridge City Council's tradition of prayers and chaplains before each Full Council meeting, regardless of whether the High Court's ruling is overturned or not?

This Oral Question was tabled, but not covered during the meeting as the questioner had left the Chamber.

8. Councillor Todd-Jones to the Executive Councillor for Housing

On her claim in the media that the council will increase council homes by 650, what is the real net increase in the number of homes?

The Executive Councillor for Housing explained that 650 homes were planned during the first five years of the business plan and that the units planned for Clay Farm were in addition to this.

9. Councillor McPherson to the Executive Councillor for Community Development and Health

Community Policing is of vital importance to neighbourhoods. There is a growing concern from residents in the Cherry Hinton area (and probably other wards) that the cuts being imposed on the Chief Constable may result in the loss of the Community Beat Manager and/or the dedicated neighbourhood policing teams (which include the all important PCSO's). We seek an assurance that this vital community link with local officers who know and understand the communities in which they serve will not be shifted to possibly non-local rotated shift officers to be absorbed as a

part of their normal duties, thereby loosing the continuity and local knowledge.'

This Oral Question was tabled, but not covered during the meeting as the questioner had left the Chamber.

10. Councillor Bird to the Leader of the Council

Will she give a commitment that the Council will retain access for people with disabilities between Fisher Square and Lion Yard that doesn't involve the Grand Arcade lifts area, and disabled people being off blocked by queues of people waiting to get into the lifts?

Councillor Brown as Chair of the Public Toilet Working Party referred to the answer given to the public question earlier in the meeting. Councillor Brown re-iterated the limitations of the location.

11. Councillor Ashton to the Executive Councillor for Customer Services and Resources

Have any senior Director and Heads of Service posts been filled by way of short term consultancy contracts for full time or semi full time 3 or 4 days per week people, and if so how many FT and semi FT posts have been filled this way, and what was the financial cost to the Council of these contracts?

The Executive Councillor for Customer Services and Resources explained that over the last five years the following four posts had been filled:

- Director of Customer and Democratic Services
- Interim Head of Arts and Entertainment
- Interim Head of Street Scene
- Interim Head of Internal Audit

The Executive Councillor explained that the costs for these four posts was £220,000.

12. Councillor Benstead to the Executive Councillor for Customer Services and Resources

On the tendering out of Council building cleaning and given the specific meaning of 'Improvement Plan', will a real 'Improvement Plan' be put in place to prepare the in-house team ahead of tendering occurring, to give them a real opportunity to win, and what will it contain?

The Executive Councillor for Environmental and Waste Services responded, and explained that hard market testing had been approved at the Strategy and Resources Scrutiny Committee in January 2012. It was also explained that a process was ongoing to ensure that in-house provision continued to be competitive but that any changes would be managed through the organisational change policy.

The following Oral Questions were also tabled, but owing to the expiry of the period of time permitted, were not covered during the meeting:

13. Councillor Price to the Executive Councillor for Planning and Sustainable Transport

Did his party group on the County Council propose in their alternate budget that the County Council should pay for 100% of the planned 20mph scheme for Cambridge, like Oxfordshire County Council did for the comprehensive Oxford 20mph zone?

14. Councillor Saunders to the Executive Councillor for Customer Service and Resources

The proposal to appoint a Mill Road Coordinator to work with local businesses attracted quite a bit of press coverage.

Has the Council received many enquiries as a result of this coverage, and do residents and businesses view this a positive step for local development?

15. Councillor Marchant-Daisley to the Leader

Does the Leader accept that an adherence to the saying of Christian (or indeed any) prayers within the formal agenda of Council meetings not only appears now to be unlawful, but is inconsistent with the Council's statement celebrating diversity.

16. Councillor Tucker to the Executive Councillor for Arts, Sport and Public Places

How successful has the Streets and Open Spaces apprenticeship scheme been?

17. Councillor Pogonowski to the Leader

The Citizens Survey results show increasing dissatisfaction with the Lib Dem-led Cambridge City Council. Particularly, results of how well the Council keeps residents informed of how it spends money, committee meetings and what they are for, and how residents can get involved scored high levels of dissatisfaction. What will the Leader and her group do to remedy this situation?

18. Councillor Owers to the Executive Councillor for Environmental and Waste Services

Does the Executive Councillor think that levels of staffing within the Environmental Health department are sufficient, particularly in light of the impending deletion of the Environmental Health Manager post?

19. Councillor Brown to the Executive Councillor for Arts, Sport and Public Places

Could the Executive Councillor provide an update on the Olympic torch public arts project?

12/12/CNL To consider the following Notices of Motion, notice of which has been given by:

12/12a/CNL Motion A

Councillor Bick proposed and Councillor Reiner seconded the following motion:

Welcoming the Department of Transport's encouragement of local authorities which want to introduce 20mph limits, Council accepts that enforcement is only one of the tools which influence the success of such schemes. But it welcomes Cambridgeshire Constabulary's readiness to carry out enforcement and its extension of the fixed penalty notice system to the 20mph limits to do so.

To further enhance the situation, it calls on the Government and ACPO to carry out a national review to optimise the tools and powers available for enforcement, to include:

- Development of optional speed awareness courses for those breaching a 20mph limit for the first time, treating it like breaches of higher speed limits
- The potential to deploy PCSOs to carry out speed controls
- The specification of speed cameras suitable for areas of 20mph limits

Council calls on local MPs and representatives in the LGA to support and follow-up this call.

Resolved (unanimously) that the motion be agreed as set out above.

12/12b/CNL Motion B

Councillor Rosenstiel proposed and Councillor Marchant-Daisley seconded the following motion:

"This Council believes that cycling is an extremely efficient form of transport which is good for health and the environment; supports successive Governments' commitment to encourage the use of bikes and reduce the number of cyclist-related accidents; notes with concern that the number of cyclists killed on Britain's roads rose by 7 per cent between 2009 and 2010; notes that a disproportionate number of cycling accidents involve vans and lorries; supports The Times' 'Cities fit for Cycling' campaign; and calls on the

Government to take further action to improve cycling infrastructure and reduce the number of casualties on our roads.”

Resolved (by 35 votes to 0) that the motion be agreed as set out above.

12/13/CNL Written Questions

Members noted the written questions and answers circulated around the Chamber.

The meeting ended at 0.36 am

CHAIR

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CIVIC AFFAIRS

21 March 2012

6.00 - 7.35 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Brierley, Herbert, Stuart and Benstead

Officers Present:

Chief Executive – Antoinette Jackson

Director of Resources – David Horspool

Head of Corporate Strategy – Andrew Limb

Head of Internal Audit – Steve Crabtree

Head of Legal Services – Simon Pugh

Democratic Services Manager – Gary Clift

Environmental Health Manager – Yvonne O'Donnell

Committee Manager – Martin Whelan

FOR ADOPTION BY THE COUNCIL**12/20/civ Area Committees - amendment to the Constitution to reflect functions delegated by the Executive**

The committee received a report from the Head of Legal Services regarding amendments to the Constitution to reflect functions delegated by the Executive to Area Committees.

Councillor Herbert expressed concerns about the transparency of decisions associated with the S106 process. The Chair advised that the purpose of the report was to consider the soundness of the changes prior to consideration by Council, rather than to consider the policy implications.

Resolved (4 votes to 0) to recommend to Council that:

- i. The terms of reference of area committees, as contained in Section 12 of Part 3 of the Constitution, are amended in accordance with the Appendix to the officer's report.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services
TO: Civic Affairs Committee 21/3/2012
WARDS: All

AREA COMMITTEES - AMENDMENT OF THE CONSTITUTION TO REFLECT FUNCTIONS DELEGATED BY THE EXECUTIVE

1 INTRODUCTION

1.1 Members of the Executive have considered reports regarding the delegation of executive functions to area committees on the following occasions:

- 10 October 2011 (The Leader at Strategy and Resources)
- 12 January 2012 (The Executive Councillor for Arts, Sport and Public Places and the Executive Councillor for Community Development and Health at Community Services Scrutiny Committee).

1.2 At the meeting on 12 January 2012, Executive Councillors agreed to delegate the exercise of the following functions to area committees in accordance with the terms set out in the report to that meeting. The areas in which delegations are being made are

- Decision making on public art, public realm, community facilities, play and open space projects funded by developer contributions;
- Decision-making on non-statutory tree planting; and
- Decision-making on “safer city” grants.

This is not a full delegation of these functions and the terms of the delegations are as set out in the report, as amended by the Executive Councillors and recorded in the minutes at 12/13/CS.

1.3 At its meeting on 23 February the Council resolved to extend the terms of reference of Area Committees to include exercise of these functions.

- 1.4 The purpose of this report is to propose amendments to the terms of reference of area committees to provide for this.
- 1.5 The terms of reference have also been updated to reflect changes in terminology, titles etc.

2. **RECOMMENDATION**

- 2.1 That the Committee recommends to Council that the terms of reference of area committees, as contained in Section 12 of Part 3 of the Constitution are amended in accordance with the Appendix to this report.

3. **CONSULTATIONS**

- 3.1 Heads of Services to which these changes relate have been asked whether the amendments to the area committee terms of reference accord with their understanding of the decisions of the Executive and the Council.

4. **IMPLICATIONS**

This is a technical report amending the constitution to reflect decisions that have already been made. Implications were considered when the substantive decision was made. An equality impact assessment was also made at the time of the substantive decision and is summarised in the report to Executive Councillors considered at Community Services Scrutiny Committee on 12 January 2012. That report assessed the climate change impact as very low or nil.

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

Report to Community Services Scrutiny Committee on 12 January 2012 and minutes/record of decision.
Report to Council on 23 February 2012 and draft minutes.
The Council's Constitution.

To inspect these documents or for queries on this report, contact Simon Pugh, Head of Legal Services, (01223) 457401 or simon.pugh@cambridge.gov.uk

Report file:

Date originated: 12 March 2012

Date of last revision: 12 March 2012

Appendix.

SECTION 12: AREA COMMITTEES

12.1 Introduction

12.1.1 This part of the Constitution describes the Council functions for which area committees are to be responsible. Some are executive functions, and the delegation is made by the Executive Councillor responsible for that function. Some delegations relate to regulatory matters, and these are made by the Council.

12.1.2 The principal areas for which area committees have responsibilities are:

- Environmental Improvements
- Local Planning Applications
- Parks and Recreation Services
- Community Services (excluding management of the Council's housing stock)
- Streetscene Services
- [Projects funded by developer contributions that relate to public art, the public realm, community facilities and open space](#)
- [Safer City grants](#)

12.2 Environmental Improvements

12.2.1 The Executive Councillor for the Environment may delegate a budget to area committees for the purpose of carrying out environmental improvements. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.2.2 Area committees are not obliged to spend delegated capital budgets in the year in respect of which they receive them. It is open to area committees to "save up" capital budgets of this kind for environmental improvements.

12.2.3 Area committees shall have the role of investigating, identifying, consulting on and approving local environmental improvement projects, subject to their budget and to any criteria or conditions set by the Executive Councillor.

12.2.4 Area committees may be consulted on periodic reviews of Council policies and strategies affecting local environmental issues (e.g. the Planning Obligation Strategy, the Walking and Cycling Strategy).

12.2.5 Area committees may seek additional funding for environmental improvement projects, by bidding for other Council funding (for instance, 'Sustainable City' grants or City Centre Management grants). They may also seek additional external funding, for instance through partnership schemes or other sources of grant aid.

12.2.6 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive~~

~~Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

- 12.2.7 Each area committee will be required to submit an annual report to the March cycle of the Environment Scrutiny Committee, setting out progress with schemes being dealt with by that area committee and identifying any projects where additional funding may be required so that a decision can be made about budget allocation. Such a system will also enable the Executive Councillor and Scrutiny Committee to consider planned 'rollovers' of budgets from one year to the next and to take an overview of environmental improvement work in the city.

12.3 Local Planning Applications

- 12.3.1 Area committees shall be responsible for determining all planning applications which fall within their areas **other than**:

- A. those which may be determined by officers under the Council's scheme of delegation; or
- B. those which:
- Are designated as 'major' applications; or
 - Represent a formal departure from the Development Plan; or
 - Have a site boundary that crosses 2 or more committee areas; or
 - Are submitted privately by any Member of the Council or their immediate family; or
 - The standard neighbour consultation process involves residents in two or more Areas; or
 - The Chair of an Area Committee (after consulting with members of the Area Committee) and the Chair of the Planning Committee agree should be determined by the central Planning Committee because they have substantial significance for people living outside of the relevant Area.

Applications falling into Category B will be determined by the Planning Committee.

NB: A 'major' application is as described in the Government's quarterly statistical returns on development control performance. At present, a major application is:

- a residential development of 10 or more houses, or where the number of dwellings to be constructed is not given, a residential development with a site area of 0.5ha or more;
- any other development of 1,000 sq m of additional floorspace, or with a site area of 1ha or more.

12.3.2 Area committees' responsibilities in respect of "planning applications" within their competence shall include the discharge of the functions delegated to the Planning Committee listed in section 5.4 of Part 3 of the Constitution and numbered 1 to 26 from page 55.

12.3.3 The delegation of powers to area committees does not limit the powers delegated to Council officers in section 9 of Part 3 of the Constitution.

12.4 Parks And Recreation Services

12.4.1 Area committees will contribute to the scrutiny of local Parks and Recreation Services by considering parks and recreation issues which affect their area. In pursuit of this, area committees are asked to encourage links between themselves and local sports clubs and facility user forums, such as the Allotment Forum.

12.4.2 Area committees may recommend changes to the provision or management of local parks and recreation services, although any recommendations would need to be considered in the context of budgetary provision, overall parks and recreation policies and competing needs.

12.4.3 Area committees may be consulted on periodic reviews of Council policies and strategies affecting parks and recreation services (e.g. Parks Strategy, the Sports Development Strategy).

12.4.4 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.5 Community Development

12.5.1 Area committees will contribute to the Council's community development role by promoting public awareness and involvement, making the links between local communities, Housing Associations, Tenants Groups etc. and the area committees.

12.5.2 Area committees may consider the provision of community facilities at neighbourhood level, identify any gaps, and make recommendations on priorities for development.

12.5.3 ~~Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.5.4 Area committees may be consulted on applications for grants for community activities in their areas, and may monitor the use of grant aid by recipients.

12.5.5 The Executive Councillor for Community Development and [Leisure Health](#) may delegate a budget to area committees to enable area committees to award grants for community activities in their areas. In delegating a budget, the Executive Councillor may set criteria or conditions for its expenditure.

12.5.6 Area committees may monitor and review neighbourhood services in their areas for children and families; e.g. [Community and Neighbourhood Play Areas](#) ~~Recey Ranger and Neighbourhood Play activities.~~

~~12.5.7 Area committees may monitor and review youth work in their areas; e.g. the Dec, detached teams, projects.~~

12.5.8 Area committees may extend the Council's [engagement with children and young people](#) ~~Youth Participation Strategy~~ by including a role for young people in the work of the committees.

12.6 Streetscene Services

12.6.1 Area committees may consult local people about local priorities for streetscene services. (Street cleansing, public conveniences, grass cutting and maintenance of planted areas.)

12.6.2 Area committees may set local priorities for streetscene works subject to :

- Maintaining minimum statutory service standards;
- Accommodating changes within agreed budgets; and
- Not adversely affecting services in other areas.

12.6.3 Area committees may review and monitor the provision of streetscene services within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers.

12.6.4 Area committees may review and monitor the provision of the Ranger Service within their areas. They may make recommendations for changes or enhancements to the Executive Councillor or to service managers

~~12.6.5 Area committees may be consulted on, or asked to identify, schemes to be procured or funded through planning agreements. The relevant Executive Councillor may also delegate responsibility for the implementation of such schemes to area committees.~~

12.7 Decision-making on Projects Funded by Developer Contributions

12.7.1 Area committees are to be given delegated budgets and delegated decision-making powers in respect of projects funded by developer contributions in the following terms:

12.7.2 The projects funded by developer contributions within the scope of area committees are projects relating to:

- [Public Art](#)
- [Public Realm](#)
- [Community Facilities](#)
- [Open Spaces](#)

12.7.3 Any decisions by area committees about the use of developer contributions for projects will be made in accordance with Council policy and budgeting

procedures and, with the exception of public art, will take account of area needs assessments to be adopted by each area committee.

12.7.4 Funding from developer contributions will be given to area committees on the following basis:

- Where developer contributions derive from a planning application determined by an area committee, the use of contributions made for the purposes set out in paragraph 12.7.2 shall be determined by that area committee.
- Where developer contributions derive from a planning application determined by the Planning Committee, the Executive Councillor for the relevant service area shall determine the proportion of the developer contributions to be made available for the use of the area committee with a presumption that 50% of contributions made for the purposes set out in paragraph 12.7.2 shall be made available.
- If a developer contribution given to area committees is not committed to be spent within three years of receipt by the Council, the Executive Councillor may decide how the contribution is to be spent.

12.7.5 The area needs assessments referred to in paragraph 12.7.3 shall be made in accordance with the following principles:

- An area needs assessment will be produced every three years for each area committee and will be based on a desk top analysis.
- The assessment will seek to do the following:
 - Quantify the existing population within the area, split by age structure;
 - Estimate new development taking place within the area over the next three years and assess its impact on the existing population;
 - Summarise existing provision of facilities etc with commentary on the potential for enhancing or modernising them;
 - Identify the need or scope for new provision of facilities etc or new projects.
- The area committee will consult on its area needs assessment before approval.
- The area needs assessment will be used by officers to develop and cost projects and to identify the extent to which they may be funded by developer contributions, for the purpose of preparing a report for the area committee.
- This report will form the basis of area committee decisions to approve projects.

12.7.6 The area needs assessment may be used to identify projects not funded by developer contributions but funding for these would be subject to the Council's regular budgeting procedures.

12.7.7 Area committee decisions on public art projects funded from developer contributions will be made on the basis of officer reports submitted from time to time.

12.8 Safer City Grants

12.8.1 The Executive Councillor responsible for safer city grants (the Executive Councillor for Community Development and Health) may allocate a budget to area committees for making grants.

12.8.2 Area committees shall determine applications for grants in accordance with any policies or other guidance set by the Executive Councillor.

12.8.3 Officers shall advertise the availability of grants and invite applications. Applications shall be reported to the area committees, according to the area in which grant aided works are proposed, in ~~March or April~~ May onwards depending on Area Committee dates, each year for consideration.

12.8.4 If funds remain after the “bidding round” described in 21.8.3, further grant applications may be made. These shall be determined by Director of Community Services after consultation with the Chairs of Area Committees, relevant Ward Councillors and Opposition Spokes Persons as and when the applications are received and outside of Area Committees.

12.8.5 Any safer city grant allocation unspent by an area committee by 1 December in any year shall be returned to the Executive Councillor ~~for reallocation to any area committee that has suitable unfunded grant applications~~ for inclusion in the ‘Citywide’ pot for re-distribution to other areas, if appropriate applications have been made.

12.8.6 Grant applications that relate to the area of more than one area committee shall be determined by the Executive Councillor in consultation with the Chair and Opposition Spokespersons of the Community Services Scrutiny Committee.

12.9 Tree Works

12.9.1 The Executive Councillor for Arts, Sport and Public Places may delegate decisions on tree works to area committees.

12.10 General

12.7 General

~~12.7.1~~12.10.1——The Council, its committees, Executive Councillors and officers may, from time to time, delegate such further functions to area committees as they judge appropriate.

CIVIC AFFAIRS

21 March 2012

6.00 - 7.35 pm

Present: Councillors Boyce (Chair), Rosenstiel (Vice-Chair), Brierley, Herbert, Stuart and Benstead

Officers Present:

Chief Executive – Antoinette Jackson
Director of Resources – David Horspool
Head of Corporate Strategy – Andrew Limb
Head of Internal Audit – Steve Crabtree
Head of Legal Services – Simon Pugh
Democratic Services Manager – Gary Clift
Environmental Health Manager – Yvonne O'Donnell
Committee Manager – Martin Whelan

FOR ADOPTION BY THE COUNCIL

12/19/civ Review of the Council's Audio and Visual Recording Protocol

The committee received a report from the Democratic Services Manager regarding the review of the Council Audio and Visual Recording Protocol.

Members of the committee made the following comments regarding the report:

- i. The positive benefits of selective professional recording and streaming of Council meetings was highlighted. Reference was made to the recent budget council at Brighton and Hove Council. It was however noted that in the absence of a budget for these types of activities, the protocol should enable third parties to record more freely.
- ii. Differentiation was suggested between rights for the press and public with regards to filming. It was suggested that the press were subject to professional restrictions, which the general public were not. It was also emphasised that due to the nature of some of the business of the council, members of the public may not wish to be identified and that as a rule the press respected these requests.

- iii. Further information was requested on the complaint. The Chief Executive agreed to send details to members of the committee outside of the meeting regarding the complaint. In light of the response it was asked whether it would be possible to create a zone in meeting rooms, which could not be filmed. The Democratic Services Manager acknowledged the suggestion, however explained that this might be difficult to achieve in some venues.

Following debate it was suggested that the existing protocol should be deleted and that subject to safeguards for members of the public, recording should be permitted. It was also agreed that filming should be overt. Councillors also welcomed the tone of the County Council policy.

It was agreed to delegate the wording of the guidance to Chair, Spokes and other members of the committee to finalise.

Resolved (6 votes to 0) to recommend to Council that:

- i. The revised Audio and Visual Recording Protocol (as attached) be approved.

REVISED VERSION: Cambridge City Council protocol on audio/visual recording and photography at council meetings

The Council is committed to being open and transparent in the way it conducts its decision making. Recording is permitted at council meetings which are open to the public. The Council understands that some members of the public speaking attending its meetings may not wish to be recorded. and Tthe Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

The only rules which the Council will apply are:

1. Anyone wishing to record must let the Chair of the meeting know and the recording must be overt (ie clearly visible to anyone at the meeting)
2. The Chair of the meeting has absolute discretion to stop or suspend recording if in their opinion continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules. The circumstances in which this might occur include where:
 - recording is disrupting the proceedings of the meeting
 - there is public disturbance or a suspension of the meeting
 - the meeting has resolved to exclude the public for reasons which are set down in the Council's Constitution
 - ~~-it is considered recording might infringe the preference of any individual~~
3. Any member of the public has the right not to be recorded.
 - We ensure that agendas for, and signage at, council meetings make it clear that recording can take place – if anyone does not wish to be recorded they must let the Chair of the meeting know
4. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Council's values or; in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

- Please contact Democratic Services in advance of the meeting if the recording you wish to do involves large equipment or special requirements.
- The use of lighting for filming/flash photography is allowed if it is arranged with Democratic Services prior to the meeting. We require this so we can ensure the

meeting will not be unduly disrupted and there is a safe environment to transact the business.

A failure to follow these requirements may lead to ~~recording being refused at future council meetings-~~ a request to record being refused at subsequent council meetings.

Recording and reporting the council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Corporate Strategy

TO: Civic Affairs Committee

21/3/2012

WARDS: All

REVIEW OF THE COUNCIL'S AUDIO AND VISUAL RECORDING PROTOCOL

1 INTRODUCTION

- 1.1 This Committee agreed to make amendments in February 2011 to the then-entitled filming protocol which had been in place since July 2010. The Committee also agreed to review the amended protocol, renamed Audio and Visual Recording Protocol, in March 2012.

2. RECOMMENDATIONS

The Committee is requested to recommend to Council:

- 2.1 The changes to the Audio and Visual Recording Protocol in 3.2 (i)-(iii)

3. THE AUDIO/VISUAL RECORDING PROTOCOL

- 3.1 The Minister for Local Government Bob Neil wrote to Council Leaders and Monitoring Officers in February 2011 (after Committee had met to consider the protocol) '....highlighting the importance of councils giving citizens the opportunity to access and experience their local democracy using modern communication methods.' The letter is appended to this report so the committee can take the Government's view into account when reviewing the protocol which is appended with the changes suggested in the following paragraph.
- 3.2 Since the Committee approved the amendments to the audio/visual recording protocol in February 2011, there have been no applications to record council meetings. There is no evidence to suggest that the Protocol has put off the public from wanting to record. Prior to a

number of filming requests in the autumn of 2010, filming or photography at meetings had been rare, the only regular event being the Mayor making ceremony each May. However, that said, there are some suggested practical amendments to some of the prescriptive parts of the protocol which the Committee is asked to consider:

- (i) Requiring an applicant to give 3 working days notice and no more that 2 weeks in advance – This could be considered restrictive and could be conceived as being in conflict with the Council’s policy on being open and transparent. It is recommended that this be changed to 10am the day before a meeting, in line with the public question time scheme which better reflects the expectations of those likely to apply to record.
- (ii) Delete the reference to time limiting to 2 minutes the use of flash photography/lighting – This is could be considered too prescriptive. The Chair can make the judgement at the time of each request and officers consider this to be adequate to ensure a meeting is not disrupted.
- (iii) Make an exception so that anyone can record during the ceremonial part of the Annual Meeting of the Council - Mayor making is a well attended occasion with guests of the in-coming and out-going Mayors, newly elected councillors as well as guests of the Mayor who are invited to see local democracy in action, e.g. schoolchildren. Currently the Mayor has to make an announcement that recording is allowed that would continue but it is sensible to set this out in the protocol as well for the avoidance of doubt.

3.3 In considering these changes, the Committee is reminded that the protocol includes the statement ‘any decision taken by the chair on the interpretation of this protocol is final’.

4. **CONSULTATIONS**

The Head of Human Resources and the trade unions will be consulted on the changes proposed.

5. **OPTIONS**

Instead of the recommendation in the report, the Committee could:

consider further amendments to the protocol; or
delete the protocol and refuse recording of any council meetings; or

delete the protocol and permit recording at any meetings, with no restrictions other than those meetings or part of meetings which are exempt from the public; or
decide to record its meetings (recent enquiries estimated £14,000 per year for it to be done professionally).

6. **IMPLICATIONS**

(a) **Financial Implication**

There are none.

(b) **Staffing Implications** (if not covered in Consultations Section)

The possibility of audio/visual recording of senior council staff at council meetings is to be expected and was consulted on prior to the adoption of the revised protocol last February.

(c) **Equal Opportunities Implications**

An Equality Impact Assessment has not been conducted on the proposals in this report. Enabling meetings to be filmed and broadcast opens up the Council's decision making process and is in accordance with council objectives. The Committee had undertaken a thorough review of the protocol, reported in February 2011. Equal opportunity implications are likely to be addressed by the Council's operating procedures (e.g. access to information and meetings), rather than the specific proposals in this report.

(d) **Environmental Implications**

As part of this section, assign a climate change rating to your recommendation(s) or proposals.

- Nil: to indicate that the proposal has no climate change impact.

(e) **Community Safety**

There are none.

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

Civic Affairs Committee report and minutes 2/2/11

To inspect these documents and contact officer for queries on the report is Gary Clift 01223 457011 gary.clift@cambridge.gov.uk

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Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
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cc Monitoring Officers

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23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council

seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections'.

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council's procedures and decision-making arrangements.

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

BOB NEILL MP

Cambridge City Council protocol on audio/visual recording and photography at council meetings

The Council is committed to being open and transparent in the way it conducts its decision making.

Audio/visual recording and photography at council meetings¹ is allowed subject to certain restrictions and prior agreement from the chair of the meeting.

Before the meeting

Requests whether from a media organisation or a member of the public, must be made to the democratic services manager for each meeting, by 10am on the day before the meeting using the application form provided

The application form advises the applicant of the following :

1. Any audio/visual recording/ photography must take place from positions in the meeting room approved by the chair. Filming will be from a fixed camera position in normal view (ie. no zoom or panning the room is permitted). Setting up must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the audio/visual recording/ photography takes place must also be approved by the chair;
2. The use of flash photography or additional lighting in connection with audio/visual recording will be permitted. The point at which

¹ Council (no application to record/photograph is needed for the ceremonial part of the Annual Council meeting), the Executive, scrutiny committees, Planning Committee, Licensing Committee/sub-committee, Civic Affairs Committee and Area Committees. By their nature, in Area Committees, the Open Forums and other participatory sessions attract a range of people who may or may not wish to be filmed, recorded or photographed. As these are sessions designed to encourage public involvement, the Chair may wish to prohibit recording if it is seen to be a barrier to creating the right environment for this to happen.

this happens during the meeting must be agreed with the chair as part of the permissions process;

3. If the chair feels the audio/visual recording/ photography is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking audio/visual recording/ photography must comply with any requests made by the chair of the meeting;
4. The applicant must agree to ensure the audio/visual record/ photographs will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/ recorded/ photographed;
5. The applicant must agree to share the audio/visual recording/ photograph in its original and unedited form with the council's democratic services manager on request for up to four months from the date of recording.

The applicant will complete a form which will ask for

- a. The name, organisation and contact details of the applicant making the request;
- b. What the audio/visual recording/ photographs will be used for;
- c. When the applicant wishes to film/ record/ photograph during the meeting;
- d. How this information will be retained;
- e. Which meeting the request refers to

When the form has been received the democratic services manager will consult the chair of the meeting on the detail of the specific request. The chair will then decide whether to grant permission.

If permission is denied the reasons for refusal will be given and a note of the request will be made on the meeting agenda.

The democratic services team will ensure signs are put in place before the meeting starts to remind attendees that filming/ recording/ photography is by a third party and that the Council has no control over where it may appear (for example posted on the internet) and to remind

the public of their right not to be filmed, recorded or photographed. Meeting agendas will also carry this message.

During the meeting

The chair will announce at the beginning of the meeting that permission to film/ record/ photograph has been requested and permitted. The chair will ask those members of the public present whether they agree to be filmed/ recorded/ photographed and at this point those present can choose to move. Any objections about filming can be raised with the Chair at any point, before or during the meeting.

Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express to the Chair at any point in the proceedings his or her wish not to be filmed/ recorded/ photographed. [Councillors are excluded from this provision]

The Chair can suspend filming when someone who wishes to speak does not wish to be filmed/recorded/photographed
If the chair feels the audio/visual recording/ photography is disrupting the meeting in any way or any pre-meeting agreement has been breached the operator of the equipment will be required to stop.

If someone refuses to stop when requested to do so, the chair will ask the person to leave the meeting. If the person refuses to leave then the chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the constitution.

Anyone asked to leave a meeting because they have refused to comply with the chair's requests may be refused permission to film, record, photograph at future council meetings.

The chair of the meeting has a right to withdraw consent to film/ record/ photograph at any time.

Any decision taken by the chair on the interpretation of this protocol is final.

Media and public exclusion

The media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The

media and public will be told about the nature of the exclusion relating to the business to be discussed. No filming/ recording/ photography will be permitted during this exclusion. All cameras, recording and sound equipment must be removed from the meeting room.

After the meeting

Any member of the public who wishes to comment on any recording undertaken should contact the Democratic Services Manager

APPLICATION TO RECORD

I would like to apply to undertake audio/visual recording and/or photography at the following meeting:

Name	
Organisation (if applicable)	
Contact details	
What will the recording be used for?	
Which meeting does this request apply to?	
When do you wish to record during the meeting?	
Where will the recording be retained by you?	

I understand that:

Any recording must take place from positions in the meeting room approved by the chair. Recording will be from a fixed camera position in normal view (ie. no zoom or panning the room is permitted). Setting up must be done before the meeting starts to ensure the view of members, officers, public and media representatives is not obstructed. The time at which the recording takes place must also be approved by the chair.

The use of flash photography or additional lighting in connection with recording will be permitted . The point at which this happens during the meeting must be agreed with the chair as part of the permissions process.

If the chair feels the recording is disrupting the meeting in any way the operator of the equipment will be required to stop. Anyone undertaking recording must comply with any requests made by the chair of the meeting in respecting the public's right to privacy.

I agree to ensure the record will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show a lack of respect.

I agree to share the recording in its original and unedited form (retained for four months) with the council's democratic services manager on request.

Failure to comply with the Council's requirements set and below may lead to the refusal of any future requests to record council meetings.

If you have any queries regarding the requirements of the application form, please contact the Democratic Services Manager on 01223 457011
gary.clift@cambridge.gov.uk