



# **CAMBRIDGE**

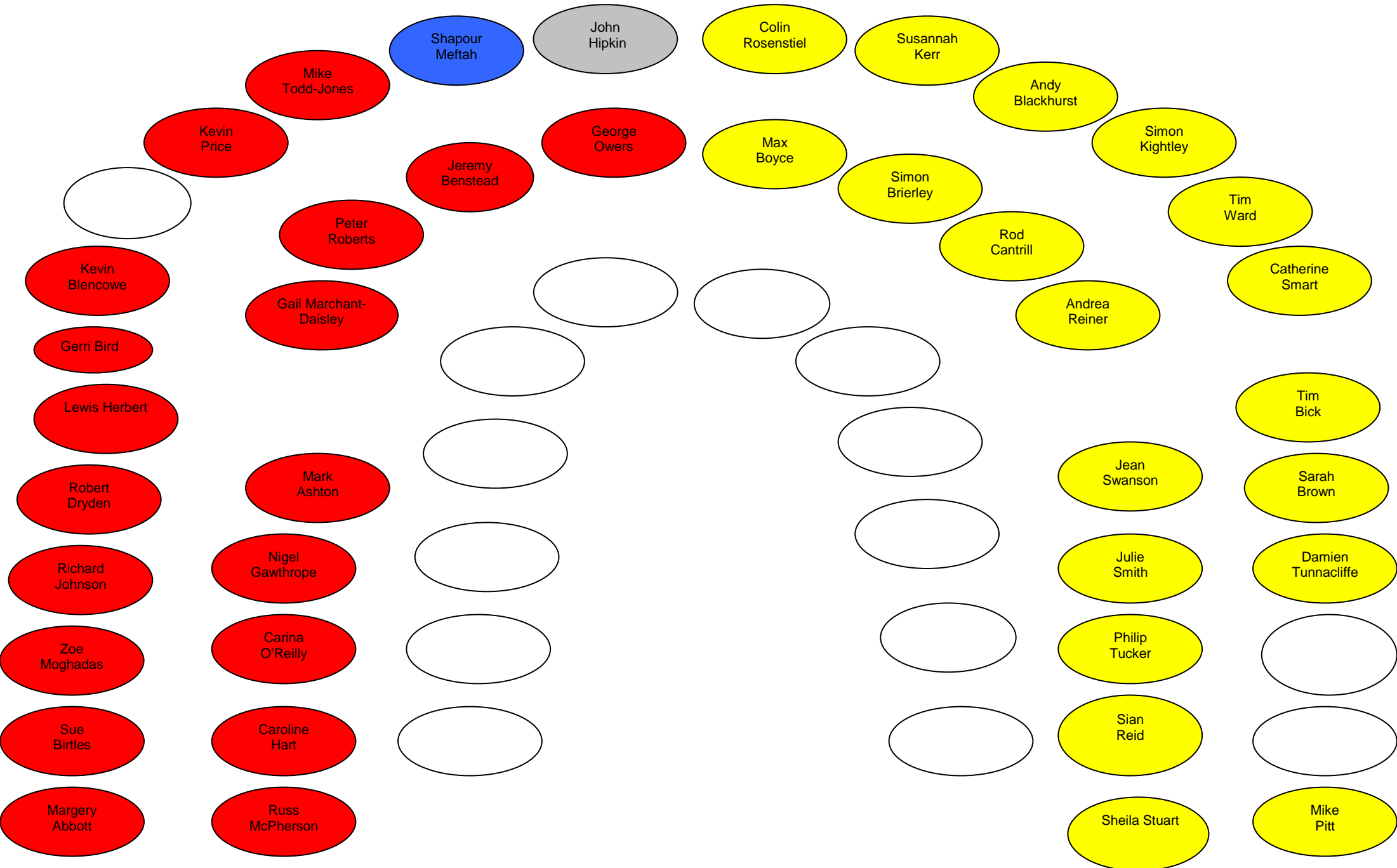
## CITY COUNCIL

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The Chief Executive, Antoinette Jackson

Head of Legal Services, Simon Pugh

The Mayor Paul Saunders

The Deputy Mayor George Pippas

The Mayor's Chaplain

# Meeting of Cambridge City Council: 24 October 2013

## Briefing note: Notice of Motion 7c

*“The Council resolves to appoint His Honour Judge Gareth Hawksworth to the post of Honorary Recorder of Cambridge for as long as he holds the position of Resident Judge at Cambridge Crown Court.”*

### Background

Until a few decades ago, Cambridge’s civic processions and events included a representative of the City’s local judiciary. This would usually have been the Recorder for Cambridge; this is an ancient office and the first Recorder was appointed in 1494.

The High Sheriff of Cambridgeshire has proposed that we consider reinstating the tradition of judicial representation at the City’s ceremonial events by the appointment of an Honorary Recorder of the City, normally to be the Senior Resident Judge at Cambridge Crown Court. The office’s reinstatement would serve to strengthen links between the City and the judiciary and complement the dignity of such occasions.

When the Court Assize and Quarter Sessions were abolished under the Courts Act 1971 and replaced by the present system of Crown Courts and Recorders, former borough councils were given the power (Section 245 and 246, Local Government Act 1972) to appoint honorary recorders. The Honorary Recorder is the resident Judge at the Crown Court. The resident Judge usually holds office for one or two four year terms.

The Lord Chief Justice’s Guidelines for the Appointment of Honorary Recorders state that it has been the practice of most large City Councils to appoint the Resident Judge to be Honorary Recorder of the city during his tenure of office, thereby continuing the link between the city and its criminal Court, which has existed throughout the history of the Courts of Quarter Sessions, which were abolished by the Courts Act 1971.

The role of Honorary Recorder is purely ceremonial. The Lord Chief Justice’s guidelines state that, where Honorary Recorders have been appointed, the involvement of the City’s Senior Resident Judge in civic affairs and events have been found to be valuable and are generally enjoyed and appreciated on both sides.

HHJ Hawkesworth is the Resident Judge at Cambridge Crown Court. He has been approached by the High Sheriff and has indicated that he is delighted with this initiative and fully supports its aims of strengthen the links between the civic and the legal life in Cambridge.

## Meeting of Cambridge City Council: 24 October 2013

### Briefing note: Notice of Motion 7d - Allotments

1. Allotment sites may be classified as 'statutory' or 'temporary'. Statutory protection is given to "statutory allotments" but the same protection is not given to "temporary allotments". Officers are checking whether any City Council allotments are regarded as 'temporary'.
2. 'Statutory' allotment land is land which a local authority either originally purchased for allotments or subsequently appropriated for allotment use. 'Temporary' allotment land is Council land currently used for allotment purposes on a temporary basis, but purchased or designated for some other eventual use. A classic example would be land purchased for expansion of a cemetery at some future date, but used for allotments until needed for cemetery purposes. Another example might be land purchased for future housing development but used temporarily as allotments.
3. Under section 8 of the Allotments Act 1925, a local authority must seek permission from the Secretary of State before selling or changing the use of a 'statutory' site. The local authority must satisfy the Secretary of State that adequate provision has been made for allotment holders who are displaced by the sale of the site. The Secretary of State's policy is only to give consent to the appropriation of allotments which are not unnecessary or surplus to requirements. The only protection for a 'temporary' site is provided by the normal planning procedures.
4. The Parliamentary Committee for Environment, Transport and Regional Affairs issued a report on allotments in 1998. It reviewed the distinction between 'statutory' and 'temporary' sites but concluded that, from the evidence submitted to the Committee, the designation of sites was frequently unclear. Often, allotment holders and local authorities[were unsure as to whether a site is 'statutory' or 'temporary'. It described this as "an unsatisfactory state of affairs".
5. There is no automatic, time-based provision for a site to become 'statutory'. The Committee said:

"We were made aware of a number of other sites which are designated as 'temporary' but which have been in continuous use as allotments for many decades. In such cases, the continued use of the term 'temporary' has resulted in reduced security for allotment holders and increased tension between them and the local authority in question."
6. Some representations to the Committee favoured the automatic replacement of the 'temporary' designation with 'statutory' after a set period.

“However, the Local Government Association were rather more cautious, stressing that some local authorities are very far-sighted in their approach to securing land for future cemeteries and that an automatic time-based redesignation of 'temporary' sites as 'statutory' could deter the loan of such sites for temporary allotment use. The Parliamentary Under-Secretary of State echoed these comments.”

7. The Committee’s report continued:

“For local authorities, problems of designation often arise from a different source: records may have been mislaid or are inadequate to determine whether or not a particular site was 'statutory', that is, originally purchased for allotments or subsequently appropriated for allotment use.”

8. The report went on to say:

“There is widespread uncertainty about the status of many allotment sites. We strongly recommend that all local authorities make clear the designations of their sites. With the exception of those sites which are ultimately intended for use as cemeteries, we recommend that any 'temporary' site which has been in continuous use as allotments for thirty years or more be automatically redesignated as 'statutory', subject to an appeal by the local authority to the Secretary of State. For the remaining 'temporary' sites, the authority should provide details of the final use intended for the land along with some indication of the likely date for the change of use.”

9. The ‘automatic redesignation proposals’ were not enacted into law. It is within the power of the Council to implement the other recommendations.

10. The report of the Parliamentary Committee for Environment, Transport and Regional Affairs may be found at <http://www.parliament.the-stationery-office.co.uk/pa/cm199798/cmselect/cmenvtra/560/56002.htm>

Simon Pugh

Head of Legal Services

23 October 2013

## **FULL COUNCIL MEETING - 24 OCTOBER 2013**

### **Briefing Note providing background for Motion 7e**

#### **Introduction**

**1.1** Every ten years, for over 200 years, every household in England and Wales has been required to respond to the census. The Beyond 2011 Programme in the Office for National Statistics (ONS) is presently reviewing how changes to the countries rapidly changing population might be best understood in the future. ONS believe that improvements in technology and in government data sources offer opportunities to either modernise the existing census or reuse existing data held within government.

**1.2** Broadly two approaches have been determined for census in the future:

- Once a decade, like that conducted in 2011, but primarily online
- Using existing government data and compulsory annual surveys

**1.3** To help decide which approach should be used ONS have set out in a public consultation document their relative strengths and weaknesses and the different kinds of information they could provide. ONS are keen for local authorities to respond by 13 December using an online questionnaire. The Council will be responding.

#### **Our Situation**

**2.1** The 2011 Census proved itself to be a "reality check" for a difficult to estimate population like ours. Our population is similar to inner London boroughs (and of course Oxford) because we have high migration rates and population churn, a young adult population with a preponderance of people aged 25 to 34 years, and high levels of private renting. Students, migrant workers and migrants originating in Europe and the New World are more pronounced, while children and the elderly are under-represented. Improvements in administrative data are unlikely to reveal the complexity of our population as it changes.

**2.2** Getting our population estimate right is important for a variety of reasons, including the fact that there is a population element used in the Government's assessment of the resources that are allocated to us - if this is wrong we won't get what is required to enable the delivery of services local communities need.

**2.3** The Council has had a recent bad experience in the use of administrative data. When a "New Method" for estimating local authority populations, was set out by ONS in November 2011 (incorporating a new approach to assessing the distribution of international migrants and based on administrative data) it showed an indicative population of **105,500** people (mid-2010) for Cambridge. This was clearly out of step

with the reality of our growing population and the Council made extensive representations to ONS and the Minister, supported by our local MP, to try and correct this inaccuracy.

**2.4** To make matters worse the "New Method" was incorporated into sub-regional population projections in March 2012, which produced a downward trend in Cambridge's population of 3% by 2021. Cambridgeshire County Council's Research Group's population estimate, taking into account the planned growth of Cambridge, forecast an increase in our population of 45,000 more people by 2021.

**2.5** In July 2012 ONS published the Census 2011 population estimate (March 2011) for Cambridge. It showed a population of 123,900 people. This revealed that the population of Cambridge had grown (between 2001 and 2011) by 14,000 people rather than shrunk, as predicted by the indicative 2010-based estimate, making Cambridge one of the fastest growing places in the country. 2011-based population projection figures for 2013 were used in the 2013-14 Settlement - as the best available, nationally consistent projections available and the 2013-14 Settlement has in turn been used to set the baseline position for the new Business Rates Retention System.

**2.6** Since Census 2011 ONS have been working hard to reconcile the gap between the indicative population estimate and what Census 2011 revealed. They have put in place improved methods for estimating internal migration (particularly student migration) and international emigration (one of our arguments that a higher proportion of people who come to the City "stick around" rather than leave) and this has brought our recent mid-year estimate for 2012 to closer to where we think it should be at **125,155** people.

**2.7** ONS have said that these improvements will feed into the next sub-national population estimate, due early in 2014, and are likely to show a trend for a growing population. The 2012-based projections, when they become available, will not be used to update figures already used for the calculation of the previous Settlement.

**2.8** The use of administrative data will always include a "lag" in picking up a growing population because ONS population estimates looks in the "rear view mirror" and don't take into account planned growth. County Research Group, who incorporate planned developments into their estimates, have estimated that our population for 2012 is 127,000, so a gap is already opening up between ONS and our local estimates. As we approach 2021, this gap is likely to widen further and without a Census to pull it back into line we once again could have a substantial difference between different estimates, the national and local.



## **Amendment to Motion B – proposed by Councillor Reid**

Delete all and replace with:

"Council notes

(1) the evidence base represented by the Cambridge Public House Study

(2) the measures taken, based on that evidence, to protect public houses in Cambridge in the Interim Planning Policy Guidance

(3) that similar measures are being taken forward in the draft Cambridge Local Plan 2014.

Council further notes the national recognition given to its pioneering work in this field by

(i) the Campaign for Real Ale (CAMRA)

(ii) the All Party Parliamentary Save the Pub Group

each of who has asked the Executive Councillor for Planning and Climate Change to make a presentation to them concerning this work.

However, being aware that

(A) there is currently no protection against the demolition of pubs outside conservation areas

(B) ministers' response to lobbying on this issue has to date been to recommend that councils use Article 4 Directions to require planning permission before pubs outside conservation areas can be demolished

Council

(a) encourages the Executive Councillor for Planning and Climate Change in his continuing efforts to lobby government for changes in planning law to make it easier to protect pubs

(b) welcomes the report that the Executive Councillor for Planning and Climate Change is bringing to the January 2014 meeting of the Environment Scrutiny Committee covering the use of Article 4 Directions to control the demolition of pubs outside conservation areas."

## Oral Questions for Council

### **1. Councillor Cantrill to the Leader of the Council**

This year's living wage week is 3rd-9th November. At this meeting last year, the Council agreed a Liberal Democrat motion for it to explore implementing the living wage.

Can the Leader provide an update on the steps we have taken?

### **2. Councillor Johnson to the Executive Councillor for Community Wellbeing (1)**

The Liberal Democrat MP for Cambridge Julian Huppert was quoted in the House of Commons on 10th October as saying the City Council now has to cut into "muscle and bone". On that point, does the Executive Councillor for Community Wellbeing regret the 44% cut to CHYPPS, forced through on a casting vote by the 'Young Person's Champion', Cllr Kerr, and does she recognise also that the depth of the cut into the service's "muscle and bone" will have a monumental impact on service provision?

### **3. Councillor Herbert to the Executive Councillor for Public Places/Planning and Climate Change (1)**

Will she and her colleagues block work on the proposed £173,000 Marquee public art until it has been reported to Committee and a proper Council decision is made

a) whether the art and concept is good enough or not for Cambridge and for this 'prestigious' building?

and

b) whether Executive Councillors and Councillors support the spend of £173,000, which is a massive sum that could generate far better public art?

and can she share with the Council the main elements of the current £173,000 scheme, including the total amount being paid to and via the artist?

### **4. Councillor Dryden to the Executive Councillor for Housing**

Recently the elderly residents that were moved out of their homes from the Colville and Augers Road bungalows received redirected a letter from the city council stating that their old homes were going to be upgraded, this just a few days before the Planning Committee gave permission for their old homes to be demolished. How did this blunder happen?

### **5. Councillor Pitt to the Executive Councillor for Community Wellbeing**

Does the Executive Councillor agree that the Arts Picture House plays a unique role in the cultural landscape in Cambridge?

### **6. Councillor Pippas to the Executive Councillor for Environmental and Waste Services**

The Street Champion Coordinator has been in post for some time. Can the Executive Councillor report what they have been doing and what events are planned?

### **7. Councillor Ashton to the Executive Councillor for Housing (1)**

Following the coalition's report that not enough bungalows are being built for the elderly that are proven to help community values do you regret this Council's decision to demolish the bungalows in Cherry Hinton and also those in East Chesterton?

### **8. Councillor Moghadas to the Executive Councillor for Community Wellbeing (1)**

Has the Executive Councillor for Community Wellbeing told GLL that she supports removing the health suite from Parkside Pools and when did the community and councillors and committee get a say?

### **9. Councillor Price to the Executive Councillor for Housing**

Can the Executive Councillor for housing please tell us her current position on the bedroom tax/spare room subsidy?

### **10. Councillor Reid to the Leader**

What response was made on behalf of the Council to the government's recent consultation on the proposal to remove some of the New Homes Bonus expected by councils for local investment in their communities, and give it to the Local Enterprise Partnerships?

### **11. Councillor Tucker to the Executive Councillor for Public Places**

Could the Executive Councillor for Public Places please update us on the Parkers Piece lighting project?

### **12. Councillor Rosenstiel to the Executive Councillor for Planning and Climate Change**

Can the Executive Councillor advise the progress on the return of joint decision-making arrangements for traffic matters in the city?

### **13. Councillor Owers to the Executive Councillor for Public Places (1)**

Can the Executive Councillor explain how the Cambridge BID interacts with the two town centre City Rangers, the city street cleaning team, and the new Rapid Response Team?

### **14. Councillor Moghadas to the Executive Councillor for Community Wellbeing (2)**

Does the Executive Councillor for Community Wellbeing share our commitment that staff delivering council services should receive at least the Living Wage, and also that new contractors should not arbitrarily remove staff entitlements?

### **15. Councillor Ashton to the Executive Councillor for Community Wellbeing (2)**

What is the Council doing to celebrate the 50th Folk Festival next year.

This event that began as a local event and is now recognised as a National / International Event. Not only is it a wonderful event for all ages but has brought in considerable revenue over the years to this Council that has been used to subsidise other music events in the city. It has been mooted for some kind of memorial to the local man who started it all off Ken Woollard.

### **16. Councillor Dryden to the Executive Councillor for Public Places (2)**

Since you have disbanded the Public Arts Panel can you give us update where we are now to achieve the Parkers Piece project to celebrate the first FA written rules which were played here?

### **17. Councillor Johnson to the Executive Councillor for Housing (2)**

Can the Executive Councillor for Housing update Council on the most up-to-date figure of the total number of those on the Housing Needs Register?

### **18. Councillor Owers to the Executive Councillor for Environmental and Waste Services (2)**

Can the Executive Councillor give an update on the Rapid Response Team, and how the service will be advertised to the public?

### **19. Councillor Herbert to the Executive Councillor for Planning and Climate Change (2)**

What are the Council and the County Council doing to ensure that Brookgate deliver on their transport obligations and their promised £2.4 million transport contribution, should further stages of CB1 proceed?

# Council 24 October 2013

## Written Questions

### 1. Councillor Rosenstiel to the Executive Councillor for Housing

Can the Executive Councillor please give the numbers of families in need of additional bedrooms in social housing due to overcrowding?

I note table HL4 in the recently published Key Stats 2013:

*"HL4 Number of applicants on register banded due to overcrowding*

	<i>Lacking 1 bedroom (Band B)</i>	<i>Lacking 2 bedrooms (Band A)</i>	<i>Total on register banded for overcrowding</i>
<i>Apr 13</i>	<i>185</i>	<i>24</i>	<i>209</i>
<i>Jun 13</i>	<i>590</i>	<i>100</i>	<i>690</i>
<i>Sep 13</i>	<i>721</i>	<i>94</i>	<i>815</i>

*TREAT FIGURES WITH CAUTION - Numbers expected to continue to rise during 2013-14 as more applicants removed from the register at review reapply. Figures do NOT include others on the register who may be overcrowded but have multiple needs or have been given a different banding priority (eg urgent medical need). Therefore actual numbers of overcrowded applicants is likely to be higher."*

What are the estimated further numbers of residents living in overcrowded accommodation who are not on the needs register? This might include tenants of social and private housing whose circumstances are known to the council and previous applicants removed from the register referred to in the note of caution.

#### **Answer:**

#### Definitions

There is no comprehensive data available overcrowding –either nationally or locally and there are a number of ways of measuring it:

- Statutory overcrowding under the room standard: allows for living rooms – including kitchens - to be counted as bedrooms
- Statutory overcrowding under the space standard: calculating the permitted number of people for a dwelling based on the number of living rooms and the space available in those rooms

- Occupancy ratings of dwellings, based on the number of rooms and the number of bedrooms available (used in the Census)
- The bedroom standard which assesses the number of bedrooms required by the household to avoid undesirable sharing (given the number, ages and relationships of the household members). This definition is used for housing benefit purposes and Home-Link banding since April 2013.
- The Housing Health and Safety Rating System (HHSRS) standard assesses where there are health hazards related to a lack of living space for sleeping and for normal family life.
- A licensed House in Multiple Occupation is considered overcrowded if it is occupied by more people than the licence allows.

#### National data

- In the Census 2011, 2,697, (5.8% of) dwellings in Cambridge were considered overcrowded– ie had a bedroom occupancy rating of -1. This compared with an all-England figure of 4.8%, which as an urban area is not unexpected.
- Nationally 5.9% of local authority, and 5.8% of privately renting households are estimated to be overcrowded as measured by the bedroom standard. (English Housing Survey 2012). Overcrowding is less prevalent in owner-occupied housing. No comparable local data is available.

#### Council data

- Home-Link (data above). There is no data available prior to April 2013 since overcrowding banding started to be monitored, as the Locata IT system only enables current – not historic – applicant data to be extracted.
- Environmental Health complaints. Overcrowding complaints started being monitored in April 2013. 9 complaints about potential overcrowding have been received since then, 4 of which were assessed as overcrowding: 1 for breach of HMO licence and the other three under HHSRS. It is recognised that some instances of overcrowding may go unreported.

## Anecdotal evidence

- Numbers on the Home-Link register, including the number banded for overcrowding, increased sharply between April and June, with a less steep rise between June and September. (As per figures above) The increase is expected to continue to level off over time. The bedroom standard definition of overcrowding has only been used since April, so those considered overcrowded previously may or may not be banded as such under the new policy. This, combined with lack of historic data, means that it is not possible to estimate how many overcrowded households may have been removed from the register but have not yet reapplied. Applicants banded due to overcrowding are now being monitored quarterly.
- Anyone experiencing overcrowding would generally be advised to apply through Home-Link, although records are not kept of whether private residents actually apply. (Applications may sometimes be made in the name of other householders rather than the tenant so there would be no reliable way of cross-referencing).
- Overcrowding is generally thought to be more of an issue for people living in accommodation tied to their employment (eg restaurant workers), but many of these will tolerate the conditions and will not report it so the Council will often not be aware.
- Any Council tenants experiencing overcrowding under any of the definitions are thought likely to be registered.

## Conclusion

- In conclusion, it is not possible to assess the extent of overcrowding amongst people not on the register, owing to a range of definitions used, and the data held.
- The Council's Housing Strategy recognises that overcrowding, whilst it does arise, has not been a major issue for Cambridge as a whole, although it is more prevalent in the private rented sector and in HMOs in particular. It can also be an issue for particularly large families. It is anticipated that due to continued housing market pressure and cuts in welfare spending, overcrowding may increase, and the Strategy states that the Council will need to continue to use enforcement powers support tenants in finding alternative housing solutions.

## **2. Councillor Owers to the Executive Councillor for Public Places**

Can the Council list the following details about every public art scheme that has, either directly or indirectly, involved the City Council in Cambridge in the past 5 years, including both completed schemes and schemes in progress (with estimates of planned expenditure where appropriate)

- Total cost
- Source of funding
- A breakdown of all the costs, including, but not limited to:
  - 1) Amount spent on consultants
  - 2) Amount spent paying artists for producing proposals that did not win the commission
  - 3) Installation costs
  - 4) Payments to successful artist for the winning design
  - 5) Other costs
- A short summary of the procurement process, including details of whether it was an open tendering process, the extent to which consultants were used, the nature of public consultation and what influence public consultation had on the design chosen.

**Answer: attached separately**

## **3. Councillor Owers to the Executive Councillor for Community Wellbeing**

What is the opportunity cost to the Council of charging the current operator of the Junction a peppercorn rent and giving them business rate relief?

In other words, how much revenue would the Council raise, on reasonable commercial assumptions, if a commercial rent and normal business rate was charged to the tenants of the Junction?

**Answer: attached separately**