

Leicester
City Council

WARDS AFFECTED *All Wards*

CABINET

1ST MARCH 2004

CREMATORIUM PROVISION IN LEICESTER

Report of the Service Director (Cultural Services)

1. Purpose of Report

- 1.1 To seek guidance from Members on future crematorium provision in Leicester

2. Summary

- 2.1 A strategic review of the Burial and Cremation Service was undertaken during 2003 by an external consultant, Peter Mitchell and Associates. The review was undertaken primarily to establish the extent to which current cemetery and crematorium resources are addressing service needs, and the actions necessary to provide appropriate and sustainable service provision for the next 30 years.
- 2.2 Gilroes Crematorium meets current and future operational service needs. However, it does not meet the desire to provide services which are accessible to the whole community because it does not satisfy the cultural and faith requirements of the Hindu, Sikh, Buddhist and Jain communities. These communities make up 19% of Leicester's population. The Council has been approached by a local Asian community interest organization, Shanti Dham, who are willing to work in partnership with the City Council to develop a new crematorium which will meet those needs.
- 2.3 This report seeks guidance from Cabinet on whether it would wish to support the development of a new crematorium in Leicester, and if so, on what basis.

3. Recommendations

Cabinet is recommended to:

- 3.1 Indicate whether a new Crematorium should be developed to meet the cultural and religious requirements of the Hindu, Sikh, Buddhist and Jain communities (as set out in Section 2 of the Supporting Information)
- 3.2 If Members do agree to support a new crematorium for the Hindu, Sikh, Buddhist and Jain communities, agree Option 3 (as set out in para 4.3 in the Supporting Information) as the most appropriate way forward (open market disposal of 5 acres of City Council owned land at Enderby, subject to obtaining outline planning consent, for the development of a crematorium and to other detailed assessments including geotechnical and archaeological, together with a clear investigation of title and other rights).

- 3.3 Confirm the current arrangements for the disposal of cremated remains (as set out in Para 5.1 of the Supporting Information).

The minute of the Arts, Leisure and Environment Scrutiny Committee of 3rd December 2003 regarding crematorium provision in Leicester are attached to this report for Cabinet's information.

4. Headline Financial and Legal Implications

4.1 Financial Implications

- 4.1.1 There will be a financial impact on Gilroes Crematorium if a new crematorium is developed. Loss of income is estimated at £77, 000 pa. However, the crematorium provides a substantial surplus of income over expenditure on an annual basis and it is considered that this loss of income can be met partly through increased charges and partly from within the departmental revenue budget strategy.

- 4.1.2 Cremations are exempt from VAT, therefore any expenditure incurred by the Council for the purposes of undertaking cremations would count towards the VAT 5% partial exemption limit. Any development of crematorium facilities by the Council may also impact on the Council's VAT position. Construction by the Council of a £2m to £3m crematorium would add between 1.1% and 1.8% to our partial exemption limit, and is clearly not viable without breaching that limit. Whilst construction by the Council is not being proposed, the effects of a partnership could have a similar impact (see below).

- 4.1.3 Of the options considered in the report:-

- a) A disposal on the open market of land for cremation purposes would probably not have any material implications on the VAT position. Whilst disposal of land is itself exempt, given that the Council would not be incurring any expenditure, there would be nothing to count against our 5% limit;
- b) The financial impact of the option to construct a crematorium through a partnership would depend upon the circumstances. A separately constituted legal body, of which the Council could be a shareholder, would be in the same position as an outside purchaser, and hence not create any VAT problems. If there is not a separate body, we would have to be very careful about what our precise role in the partnership is, as expenditure would be deemed to be either the Council's or our partners for VAT purposes (and hence potentially put us in the same position as construction by LCC).

- 4.1.4 In short, an open market disposal is not likely to cause VAT problems. A partnership could open up a host of issues depending on the way it is put together. Careful attention to the way the deal is structured will be necessary if this option is supported.

- 4.1.5 There is a potential opportunity cost of going ahead with a crematorium at Enderby in that the land may, at some time in the next 10 years, be capable of obtaining planning permission for housing or commercial development (this is less likely with the Beaumont Park site). At present, it is estimated that the possibility of this is less than

50:50, but were it to happen the Council would (by building a crematorium) have sterilised land worth £6m at today's housing values.

(Authors: Mark Noble, Chief Financial Officer, Jayne Tysoe Head of Finance, Cultural Services and Neighbourhood Renewal)

4.2 Legal Implications

4.2.1 An open market disposal on unrestricted terms does not pose any problems as far as a requirement to dispose of land for "best consideration reasonably obtainable". If restrictions are imposed as a condition of sale (and not, for example, through a planning permission) then, depending on the values involved this could amount to a disposal for less than best consideration. If a disposal for a peppercorn (or other under value) then the Secretary of State's consent will be required. The Secretary of State has issued a general consent enabling disposals at up to £2,000,000 under value for the purposes of social, economic and environmental well-being.

4.2.2 From a land disposal point of view, if a joint venture is considered, then anything other than a management arrangement (where there is no disposal of land) or an outright disposal either to the joint venture partner or a specially created company, would pose problems.

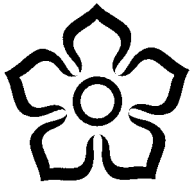
(Author Joanna Bunting, Assistant Head of Legal Services)

5. Report Author/Officer to contact:

Richard Watson
Service Director, Cultural Services
Ext 7301
Email watsr001@leicester.gov.uk

DECISION STATUS

Key Decision	Yes
Reason	Significant effect on two or more wards
Appeared in Forward Plan	Yes
Executive or Council Decision	Executive (Cabinet)



WARDS AFFECTED
All Wards

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CABINET

1ST MARCH 2004

CREMATORIUM PROVISION IN LEICESTER

SUPPORTING INFORMATION

1. Background Information

1.1 The decision to undertake a review of Burial and Cremation service provision was informed by a number of factors:

- Review of City of Leicester Local Plan
- Local Environmental Services Best Value Review
- Shortage of future Burial Land
- Representations from Faith community groups seeking to address cultural needs in relation to Burial & Cremation service provision.

1.2 Peter Mitchell Associates were commissioned to review both current and future service provision. A copy of the Cemeteries and Crematorium Strategy report is on deposit in the Members library and has been used as the basis for this report. This report is solely concerned with crematorium provision and cremation services.

2. Cremation Service

2.1 Gilroes Crematorium was built in 1902 and currently carries out approximately 3,500 funerals each year making it the eighth busiest crematorium in the UK. The changing demography of Leicester and its immediate environs has led to the Crematorium, despite the Council's best efforts, being unable to satisfy adequately the cultural and faith requirements of Leicester's diverse communities. In particular:-

- The chapels are of Christian church and chapel architecture, which do not reflect the values and beliefs of many of the users.
- Car Parking facilities are very limited. This leads to congestion and parking of vehicles close to and sometimes on graves adjacent to the roadways
- The location of the crematorium in the centre of a cemetery that has much Christian symbolism is not conducive to those who do not share the Christian faith.

2.2 However, from an operational perspective Gilroes Crematorium satisfies current and future service needs. At present only 8% of cremations at Gilroes are of a Hindu, Sikh, Buddhist or Jain origin, though the communities make up 19% of the Leicester population. The ethnic minority population of Leicester is going to increase and mature in the next decade. There could be much greater demand for crematorium provision from those communities. The total number of burials and cremations completed

annually by the City Council average 4,300, whereas on average 2,855 Leicester citizens die each year. This means the City Council is clearly providing facilities that are used by people from outside of its boundaries and has been doing so for a long time.

- 2.3 Gilroes Crematorium does not satisfy the desire to provide services which are accessible to the whole community. The Hindu, Sikh, Jain and Buddhist communities traditionally have funeral requirements that cannot be fully met at UK crematoria, eg
- It is normal for such funerals to attract very large numbers of mourners which means that chapel capacity, waiting room capacity, post funeral accommodation and roads and car parking are inadequate
 - Christian religious symbolism is inappropriate in the East Chapel
 - The design of the crematory restricts traditional committal procedures, although viewing is allowed
- 2.4 The development of a crematorium that was conceived and designed around these cultural and religious requirements would lead to a unique building, like no other in the UK. There is no doubt that the development of such a facility in Leicester would attract funerals from well beyond its geographical boundaries. There are over 1 million people living in England and Wales who identified themselves as Hindu, Sikh or Buddhist in the 2001 census. Even allowing for the younger age structure, there are likely to be over 5000 deaths per annum from these minorities. Although travel costs would be a factor, many such families would likely choose to hold their funeral service at a purpose designed crematorium, that enables large gatherings, rather than compromise their traditions at their local crematorium. A new crematorium designed around the needs of these specific groups, yet open to all users, would potentially be a national facility. The design of such a crematorium need not exclude other groups of users.
- 2.5 The existing facilities at Gilroes Crematorium have been adapted and improved over the years in order to provide a better service to customers, eg the introduction of washing facilities. It may appear attractive to attempt to adapt the existing crematorium to be more accessible and meet the needs of all groups, but the space available for major structural changes to the buildings at Gilroes is extremely limited especially given the proximity of occupied graves. Even if it were physically possible to provide a sufficiently larger chapel, the impact on car parking, traffic flow and the movement of mourners would make the scheme unworkable.
- 2.6 Officers consider that whilst Gilroes Crematorium has the capacity to meet the cremation needs of Leicester residents, it cannot meet the expressed cultural and religious requirements of Hindus, Sikhs, Buddhists and Jains. Officers also consider that these needs cannot be met by adaptations to the existing crematorium; only by the provision of a new crematorium designed to meet those needs.
- 2.7 The development of a new crematorium would also support two of the key priorities with the City Council Corporate Direction ie to build on Leicester's history of including people from all backgrounds in a cohesive community free to pursue peace and prosperity and to develop wider access to culture. Cabinet is asked to give guidance on whether or not it wishes to support the development of a new crematorium in the City.

3. Options for the development of a new crematorium

- 3.1 If Cabinet support the development of a new crematorium in Leicester for the reasons outlined above, it will be necessary to consider what level of support will be given to enable that development to happen. Since 2000 Council Officers have been in consultation with representatives of Shanti Dham, a local Asian community organisation, who have requested support to enable the Group to prepare project proposals for the development of a crematorium in Leicester, which would meet the needs of Hindus, Sikhs and Jains.
- 3.2 Shanti Dham are looking to develop an area of approximately 5 acres, incorporating a crematorium, museum depicting Hindu/Sikh/Jain religious aspects associated with birth to death beliefs, ancillary office accommodation and car parking. The development would be sited within landscaped grounds, which would depict landscape features of cultural and religious significance eg. water feature. It is understood that this facility would be the first of its type in Western Europe, having the potential to become a unique regional and national showpiece.
- 3.3 The main options are as follows:-
- Not to support a new crematorium development in the City
 - Support the development of a new crematorium in principle, but not on City Council owned land
 - Support the development of a new crematorium and market a suitable site within the ownership of the City Council subject to planning consent for the development of a crematorium
 - Work in partnership with a third party to provide a new crematorium on City Council owned land

These options are explored in Section 4 below

- 3.4 Four potential development sites have been evaluated. These are as follows:-

3.4.1 Redhill Allotments

This site consists of 12 acres / 4.86 hectares of disused allotments immediately to the north and east of Belgrave Cemetery. The table below summarises an assessment of the site:

Factor	Comment
Location	Good location on the Leicester Ring Road
	Proximity to areas where many Asian communities live
	There does not appear to be any potential to create a crematorium building that is not within 200 yards of residential development. (Crematorium Act 1902 s.5) The Government currently has no plans to change the legislation and the likelihood of such changes is remote.
Ease of Development	The site is identified as a SINC (Site of Interest for Nature Conservation) in the Replacement Local Plan and any building works

	would require very careful planning and execution to minimise their impact. Badgers and specific flora are known to exist on the site.
	This site is overgrown with trees and shrubs
Other Interests	Cabinet approval to development of the adjacent Greenacres site by CHAOS Enterprises was granted on 21 st July 2003.

3.4.2 Enderby

Factor	Comment
Location	Good location on the Leicester ring road and adjacent to the M1
	Proximity to police headquarters, which would deter vandalism
	There appears to be much potential to create a crematorium building that is not within 200 yards of residential development or 50 yards of a highway (Cremation Act 1902 s5).
Ease of Development	The site is identified as Green Wedge. The site is within Blaby and officers of Blaby District Council are likely to oppose development of the site as a crematorium.
	The site is relatively level and is free from obstructions, except for minor power lines
Other Interests	The site is not known to be subject to any competing interests from other potential users. However, if advertised it would no doubt attract a great deal of interest from potential crematoria developers.

3.4.3 Gilroes Cemetery Extension

Factor	Comment
Location	Good location on the Leicester ring road
	Proximity to areas where many Asian communities live
	There does not appear to be any potential to create a crematorium building in the cemetery extension that is not within 200 yards of residential development. (Crematorium Act 1902 s.5)
	The cemetery roads are already congested and unsuitable for further development, and no additional access is permitted on Anstey Lane.
Ease of Development	The site is level and has road access in place
	The site is designated as a cemetery in the Replacement Local Plan
Other Interests	The area is designated as a cemetery extension that is essential for meeting future burial needs

3.4.4 Beaumont Park

A large open space exists in the Council's ownership at Beaumont Park

Factor	Comment
Location	Good location near the Leicester Ring Road
	Proximity to areas where many Asian communities live
	There does not appear any residential development within 200 yards or public highways within 50 yards (Cremation Act 1902 s5)
	A new road to the site would need to be created along an existing public right of way from a nearby road (Leycroft Road). The access

	road would be 150m long and subject to Planning Permission and would not be ideal.
Ease of Development	The site is level and open. It is bordered by mature trees and is not overlooked. The Park is a former land fill site which produces methane gas. Any development would need to undertake full consultation procedures. Remedial works would add to the cost of any possible development.
	The site is designated as Green Space in the Replacement Local Plan. Development would be contrary to policies ST10 and GE09 of the Replacement Local Plan. A full assessment of the impact on development would be required as part of the planning process. Any development on the Park would need to improve or maintain the green and open character of the open space.
Other Interests	The site appears to be little used at present. However, if advertised there is no doubt that it would attract a great deal of interest from potential crematoria developers.

- 3.5 Both the Enderby and Beaumont Park sites are identified as green wedge/space with, it is understood, no great prospect of other alternative development at present. However, it is always possible that pressure for development of more valuable uses may build up in future years. Use for residential purposes would be particularly valuable; at present values in excess of £600,000 per acre are being achieved for residential land. Although the market for crematorium use has not been tested it is likely that residential values would normally exceed bids for crematorium use. (See also 4.3 in report - second para). Also land within 250 yards of a crematorium could be sterilised from some forms of future development; additionally it may not be possible to build a future public highway, to service land, within 50 yards of a crematorium. As regards the Enderby site it does have potential strategic importance given its location adjacent to new development at Junction 21. The comments in this paragraph are linked to future long term possibilities rather than present day ones.

4. Analysis of Options

4.1 Option 1 – Not to support a new Crematorium Development in the City

The current capacity of Gilroes Crematorium is able to meet the current and anticipated operational needs of the Service.

But Gilroes Crematorium is unable to satisfy the Cultural and Faith needs of Leicester's diverse Communities. It consequently does not meet our strategic objective to provide cremation services and a crematorium fully accessible to the whole community. This option is not recommended by officers.

4.2 Option 2 - Support the development of a new crematorium in principle, but not on City Council owned land

This option acknowledges the fact that Gilroes Crematorium is unable to meet the needs of the whole community and that the City Council would not unreasonably discourage the private development of a new crematorium in the City which was better able to meet the needs of Hindus, Sikhs, Buddhists and Jains.

A crematorium cannot be built within 200yds of a residential development and it is unlikely that a suitable site which is not in Council ownership will become available, although officers in Property Services will keep the market under review.

4.3 Option 3 - Support the development of a new crematorium and market a suitable site within the ownership of the City Council with the benefit of planning consent for the development of a crematorium

The analysis of potential development sites summarised in Section 3 shows that only Beaumont Park and land at Enderby are worthy of further consideration. The majority of Beaumont Park, which extends to about 70 acres is designated as Green Space in the draft City of Leicester Local Plan. Any development on Beaumont Park for a crematorium would therefore be a departure from the Local Plan. It will also generate considerable opposition from local residents. The Enderby Site which extends to 15 acres approximately is within Blaby District Council's area. Planning Officers in Blaby have informally indicated that as the site is Green Wedge they would oppose its use as a Crematorium and consider that the land is unsuitable for a cemetery. This latter point is not accepted by officers as the land has been reserved for cemetery use for many years and was at one time the subject of joint discussions with Blaby for the building of a crematorium

As to value, a site with the benefit of planning permission for crematorium development is likely to generate national interest, particularly as the facility is likely to be of regional importance to Asian Communities. (Much will depend on the interest at the time of marketing and experience from previous marketing of community sites has indicated that there may be special interest from parties wishing to develop in a particular locality).

Neither site is ideal but the Beaumont Park option would involve a considerable loss of public open space and will be unlikely to gain planning consent. Similar issues apply to the Enderby site, but on reflection officers would recommend that subject to obtaining outline planning consent, 5 acres of the land at Enderby be marketed for the development of a new crematorium. The site would also require other assessments including geotechnical and archaeological, together with a clear investigation of title and other rights before marketing.

In addition, a Traffic Impact Assessment will be required and if this should result in footpath, highway or junction works, then the construction costs, although negotiable, will need to be contained by the developer.

4.4 Option 4 – Work in partnership with a third party to provide a new crematorium on City Council owned land

The proposal by Shanti Dham is that they would meet the cost of construction, estimated at £2-3m, and operating costs in return for the Council agreeing to provide the land at nil or peppercorn rents. However, given that there is likely to be national interest in the development of a new crematorium, at this stage it is not considered appropriate to enter into dialogue with a single party. Given the objective can be met by disposal, there are no compelling reasons why the Council should involve itself in the complexities of a partnership arrangement.

If this option is chosen, it is suggested that in order to gauge likely interest, the way forward would be to invite expressions of interest from parties wishing to work with the Council to provide a service that would meet the Cultural and Faith needs of the City.

This kind of partnership is fraught with difficulties. The Council has an obligation to achieve best consideration for the disposal of land and there could be implications for the Council's VAT partial exemption position. Whilst it is a possible way forward, Option 3 would seem to offer the best way forward.

4.5 Note:

It is estimated that Hindu cremations conducted at Gilroes Crematorium currently account for 8% of throughput equating to approximately 280 cremations a year and generating £77,000 in income to the Council based on the current cremation fee of £275. Depending on the approach taken by the Council – partnership / private sector development, there is the potential for income generation to be adversely affected.

5.0 **Disposal of Cremated Remains**

5.1 Current practice offers several options

- Collection and retention of cremated remains by deceased's representative
- Scattering of cremated remains within designated areas of Cemetery
- Interment of cremated remains within either cemetery cremation plots at of within existing burial plots.

5.2 Representations have been made to the Council that in consideration of the diversity of Leicester's communities that approval be given by the Council to the scattering of cremated remains over the River Soar as a practical alternative to repatriation over the River Ganges.

5.3 This would be an offence under Section 85 of the Water Resources Act 1991: 85 (1) which states that a 'person contravenes this section if he causes or knowingly permits any poisonous, noxious or polluting matter or any solid waste matter to enter any controlled waters'.

This restriction means that cremated remains cannot be scattered over the River Soar, but may be scattered in a tidal river such as the Trent.

5.4 In consultation with the Environment Agency, officers have considered developing an appropriate water feature within the grounds of an existing city cemetery. Unfortunately, this would not satisfy the cultural and religious requirements of those making the representations to the Council. Consequently, and regrettably, the Council is unable to provide facilities for the scattering of ashes onto a water course in Leicester.

6 Financial, Legal And Other Implications

6.1 Financial Implications

As per summary report

6.2 Legal Implications

As per summary report

6.3 Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting Information
Equal Opportunities	Yes	2.1,2.3,2.4,2.5,5,5.2
Policy	Yes	1.1,2.6
Sustainable and Environmental	Yes	5.3,5.4
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

7 Background Papers – Local Government Act 1972

Local Authorities Cemeteries Order 1977
 Cemeteries and Crematorium Strategy June 2003
 Framework for the Disposal of Property – Cabinet 21st July 2003.

8 Consultations

Consultee	
Joanna Bunting	Asst Head of Legal Services
Mark Noble	Chief Finance Officer
Jayne Tysoe	Head of Finance, Cultural Services and Neighbourhood Renewal
Neil Evans	Property Services
Frazer Robson	Service Director Environment

9 Report Author

Richard Watson Service Director, Cultural Services - Ext.2527301:
 Email.watsr001@leicester.gov.uk

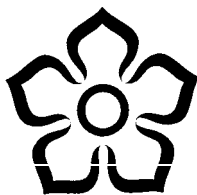
Risk Assessment Matrix

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/or appropriate)
Needs of Hindu, Sikh, Buddhist and Jain communities not met	M	M	Support the release of land for development of a new Crematorium
Planning Consent not given	M	H	Look for alternative sites
Hindu, Sikh, Buddhist and Jain crematorium developed elsewhere, resulting in loss of income without the cultural and tourism advantages of a Leicester location.	M	M	Support the release of land for the development of a new crematorium

L = Low

M = Medium

H = High



Leicester
City Council

MINUTE ATTACHED

Minutes of the Meeting of the
ARTS, LEISURE AND ENVIRONMENT SCRUTINY COMMITTEE

Held: WEDNESDAY, 3 DECEMBER 2003 at 5.30pm

P R E S E N T :

Councillor Clair - Chair
Councillor Mrs Maw - Conservative Spokesperson
Councillor Sandringham - Liberal Democrat Spokesperson

Councillor Green
Councillor Hall

Councillor Keeling
Councillor Seare

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44. BURIAL AND CREMATION SERVICES

The Chair advised that he had received a request from Councillor Getliffe to speak to the Committee during discussion on the 'Burial and Cremation Services' on the basis that he was a Ward Councillor for one of the areas where the development of a new crematorium was suggested. The Committee agreed to the request.

The Service Director, Cultural Services presented a report advising Member's of the requirement for new burial land in Leicester, and sought guidance on the way forward with regard to the development of a new crematorium. It was explained that a comprehensive review of the Burial and Cremation Service had been undertaken by an external consultant. The review had identified that Gilroes Cemetery had 4 years of burial land left and that Saffron Hill Cemetery had 3 years. In addition, it had been highlighted that the current cremation service did not adequately satisfy all Leicester's cultural needs.

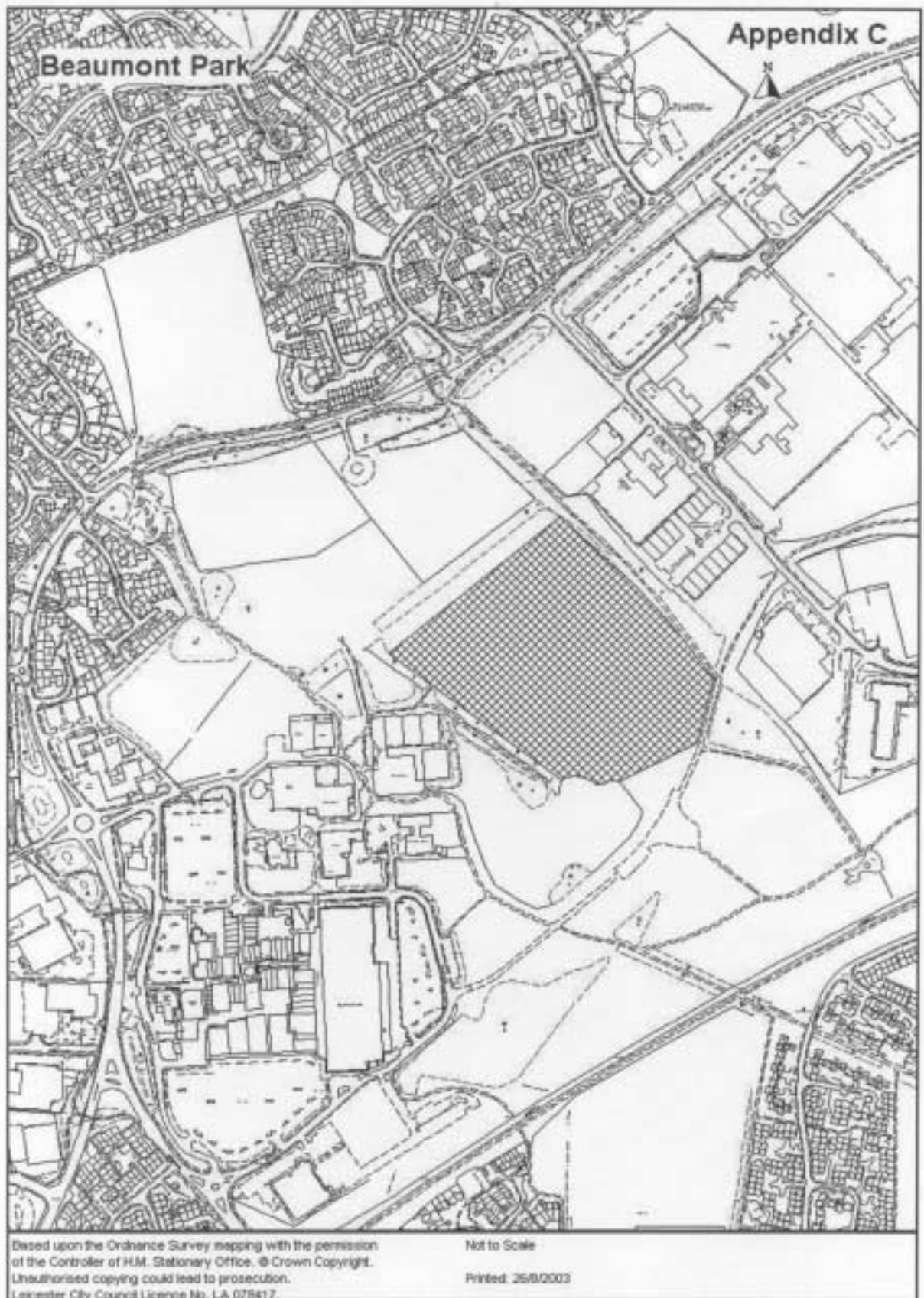
Land to the south of Saffron Hill Cemetery had been identified for burial land, however, this was currently leased to Aylestone Park Football Club. Discussions were on going with the football club about their possible relocation. Other potential sights, including one at Enderby and one at Beaumont Park where identified for members with the various implications of each being outlined. Members noted that Shanti Dham was proposing to build a crematorium that would meet the cultural needs of the community. The financial implications of all the options available were detailed for members.

Members received legal advice on the basis of the Aylestone Park Football Club lease and on the Disposal of Land Act.

Councillor Getliffe explained that Beaumont Park was situated within his ward. He expressed his concern that he had not been consulted about the proposals and that he had heard about the possibility of Beaumont Park being used for a new crematorium through the local media. He explained that local people were strongly opposed to the development of a crematorium on Beaumont Park, which was currently an open green space that was used by the community for various activities, including sport and leisure pursuits. In addition to the loss of the open space, Councillor Getliffe was concerned at the additional traffic that a cemetery would bring to the area, in particular as Beaumont Park was close to housing. He explained that a petition would be organised rejecting the proposals. He hoped that Members and the Cabinet would look at the alternative areas and reject the proposals for Beaumont Park.

In response to requests from Members the Service Director, Cultural Services gave additional detail on the various options available. Members noted the difficulties in finding appropriate facilities and explained that they felt a long term solution was required which incorporated the needs of the whole community. They explained that they felt full consultation should be held with all interested parties. Councillor Getliffe's comments as Ward Councillor were noted and it was suggested that these be incorporated into the report to cabinet.

RESOLVED: that the report be noted.



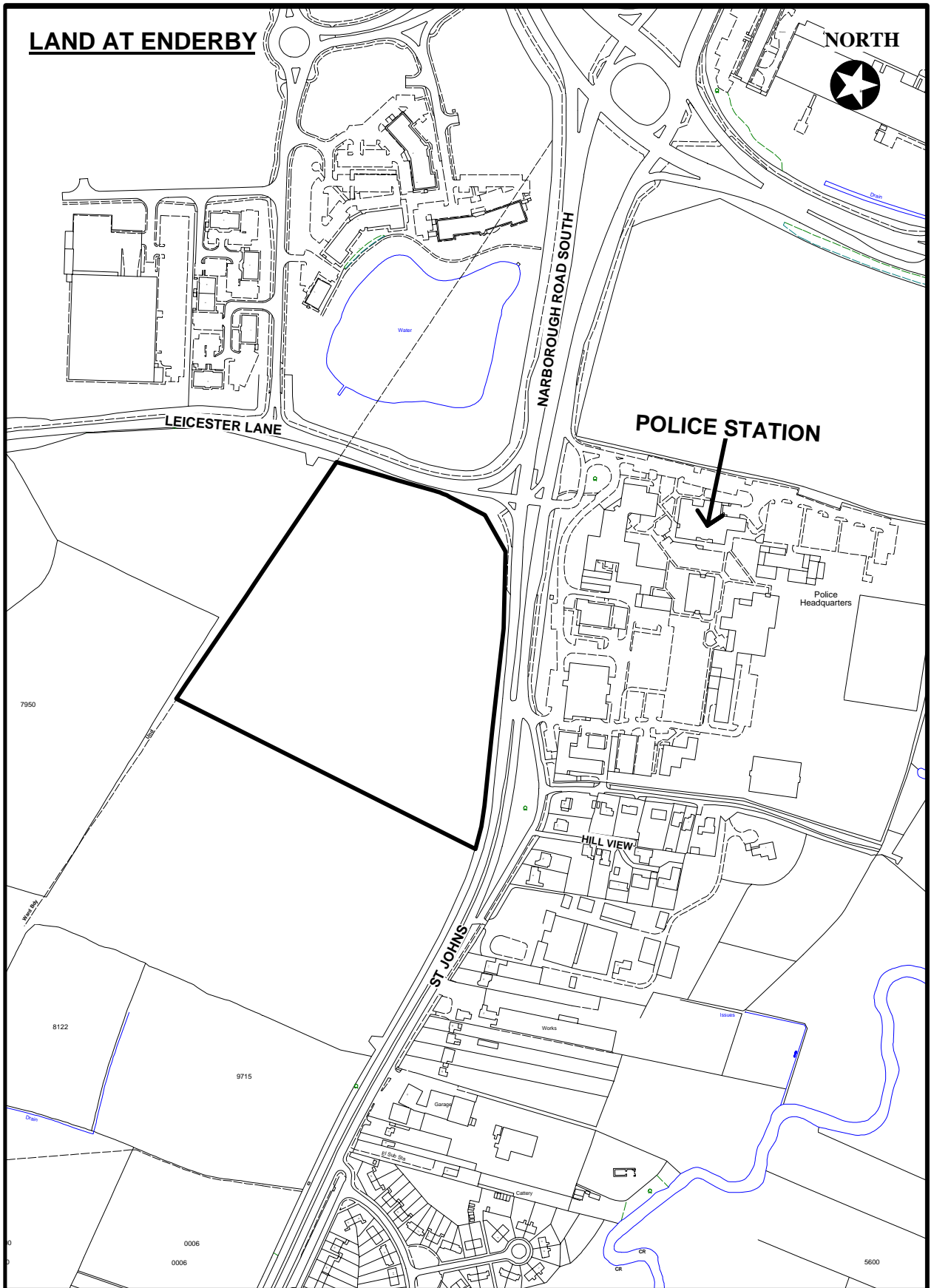
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Not to Scale

Printed: 25/9/2003

LAND AT ENDERBY

NORTH



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CHECKED BY NOE DATE 30/01/2004

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TOM STEPHENSON
CORPORATE DIRECTOR OF
RESOURCES, ACCESS & DIVERSITY
LEICESTER CITY COUNCIL