



East Cambridgeshire District Council

Minutes of a Meeting of East Cambridgeshire District Council
held at The Grange, Nutholt Lane, Ely, CB7 4EE
on Thursday 19th October 2023 at 6.00pm

PRESENT

Councillor Chika Akinwale	Councillor Bill Hunt
Councillor Christine Ambrose Smith	Councillor Mark Inskip
Councillor Anna Bailey	Councillor James Lay
Councillor Ian Bovington	Councillor David Miller
Councillor David Brown	Councillor Kelli Pettitt
Councillor Charlotte Cane	Councillor Robert Pitt
Councillor Christine Colbert	Councillor Alan Sharp
Councillor Lorna Dupré	Councillor Caroline Shepherd
Councillor Lavinia Edwards	Councillor John Trapp
Councillor Mark Goldsack (Chairman)	Councillor Lucius Vellacott
Councillor Martin Goodearl	Councillor Mary Wade
Councillor Kathrin Holtzmann	Councillor Alison Whelan
Councillor Keith Horgan	Councillor Christine Whelan
Councillor Julia Huffer	Councillor Gareth Wilson

1 member of the public was in attendance.

Prior to the commencement of the meeting, the Chairman, Councillor Goldsack, delivered a tribute and a minute's silence was held, as a mark of respect following the death of former Councillor James Fitch (Bottisham Ward from 1979 to 2003 and Chairman of the Council 1996 to 1998).

Cllr Goldsack - "As the Chair, it is my duty to say thank you for the life and service of James Fitch, 24 years of service, including occupying the Chair 1996-1998, means that we all owe a debt of thanks to James. At this time, and on behalf of all in East Cambs, I send a heartfelt thanks and condolences on his passing. Thank you very much James."

Further tributes were received:

Cllr Cane – "James Fitch was a District Councillor for Bottisham ward (1979-2003) and Chair of this Council (1996-1998). He was also the County Councillor for Burwell division (1985-2005) with a four-year break between 1989-1983. I first met James as

my County Councillor literally the day I moved into Reach. James was that sort of local community politician, he was always out and about in the villages, always welcoming people who had arrived new to the village, always talking with residents, and taking up their concerns, however small to James, they were important, because they were important to that individual. He was like a dog with a bone, he never gave up, he kept going until he got a satisfactory resolution. He was an embodiment of that saying “you think globally, you act locally”; he was very concerned about national and international issues, particularly the environment and social justice causes. He knew, as a local councillor, he could make a real difference to people’s lives by doing things locally. One of the things he campaigned on tirelessly, was good cycle paths and it was a joy to celebrate with him when the cycle path from Lode to Quay was finally opened, as he had spent from 1979 trying to get that final link to get through to Cambridge, so he was delighted it was opened. He had also been campaigning for the Burwell/Exning Road to be sorted, as there was a humpback bridge that was extremely dangerous to cyclists, and he had campaigned on that for years, so he was pleased to hear that was coming to a fruition and there was a good probability that we would get a cycle route there. James will be incredibly missed in the community and by his family, but I think John and I will also miss him because he really knew his area and the last bit of support for his community he was doing, back in April/May when he was helping residents with their ID, they needed to be able to vote. So, he kept going, all the way through, even after being a Councillor; I think he was the epitome of an excellent local councillor, an excellent member of his community and he will be missed by many.”

Cllr Wilson – “I would just like to echo what has just been said; I did not know him on the Council as I just joined in 2003 when he retired, but I knew that he carried on working for the community, even though he had retired from the Council. Instead of saying he had ‘done his bit’, sit back and put his feet up, he didn’t, he carried on working for the local community and helping other people. He will be sorely missed.

6:08pm - Cllr Holtzmann arrived at the meeting.

31. PUBLIC QUESTION TIME

Question from Sarah Hughes, on behalf of the Cambridgeshire Sustainable Travel Alliance

“This summer the Cambridgeshire Sustainable Travel Alliance spent a day interviewing people waiting for buses at the Market Street stops in Ely, as part of a wider survey of 300+ bus users in Cambridge, Ely, and Huntingdon. We asked people how often and why they travelled by bus, and how the service was working for them.

Our interviews suggest that bus users in Ely rely deeply on the bus service. 84% of those we talked to didn’t own or have access to a car, compared to the national average of 22% of households, and a third travelled by bus daily.

40% of bus users in Ely we talked to said that services needed to be more frequent and 25% said services were late or unreliable. And I should note that we only interviewed people waiting for buses, so will not have captured the views of those who cannot travel by bus currently or have given up doing so.

Here's what some people said:

"I'm a Londoner. If you waited 20 mins in London that was a long time. Here it's every 2 hours. Why isn't there a Sunday service?"

"If there's no bus we're stuck at home. Bank holidays we're stuck. Sundays we're stuck. We are older people and have to rely on buses".

"The last bus home to Chatteris is 530pm. Every 2 hours isn't enough... It's 20 quid for a taxi if you miss the last bus".

"We need later services. Teenagers just can't get to anything in Ely".

"Mornings are tricky. We have to get the bus at 7:30am, which arrives in Soham at 8am for a 9am [primary] school start... and it's changing for the worse".

The worst thing about the bus is "panicking it's not going to be there when it's supposed to be".

"It's not enough, but I'm very grateful for what we have".

Across the wider County, the biggest concern was about bus cancellations and delays. Stagecoach East MD Darren Roe has recently spoken out about how congestion in Cambridge, over which the bus companies have no control, causes bus cancellations and delays. Congestion doesn't just impact buses operating in Cambridge city; it also affects all buses that travel to and from the city from other villages, towns, and cities. So, if you try to travel from Ely to Littleport, your bus will often not be on time because it's coming from Cambridge.

So, I come to my question: Where does East Cambridgeshire District Council think that funding for a better bus service will come from? And how does East Cambridgeshire District Council think that reliability for buses in East Cambridgeshire can be improved when congestion is so bad in Cambridge?"

Response from the Leader of the Council, Cllr Anna Bailey:

"I thank you for your question. The proposals for the Future Bus Network in the Making Connections project by the Greater Cambridge Partnership were woefully inadequate, particularly in the rural areas including East Cambridgeshire. The damage that would have been wrought by the proposed Congestion Charge was simply not worth it. And in the end, it appears that local politicians are in agreement on that, as the plans have been dropped, at least for now.

I agree that something needs to be done to address the issues of congestion, particularly at certain times of the day. However, we do not believe that buses are the answer.

Conservatives want to see a 21st century 'turn up and go' mass public transport system, that is so good, so efficient, cheap, easy, and quick that people want to use it because it is better than the car. This could be light rail, or autonomous vehicles, it could include tunnelling under central Cambridge.

It could be supplemented by buses and demand responsive transport, particularly in the short term. And it would mean that those that can, will use it instead of their car – because it is better, cheaper, and easier. This would free up road space for buses, and for safer, easier, and pleasanter walking. This is what we need to support the future growth of Greater Cambridge and beyond; it is no less that Cambridgeshire deserves, and we can have it.

And despite the Lib Dems refusing to take road charging off the table at the County Council the other day, and despite them turning down the invitation of the Conservatives to all get round the table and work together, I do believe we can move to a consensus on this...and we must.”

32. APOLOGIES FOR ABSENCE

No apologies for absence were received from Councillors.

33. DECLARATIONS OF INTEREST

No declarations of interest were received from Councillors.

34. MINUTES – 13th JULY 2023

It was resolved:

That the Minutes of the Council meeting held on 13th July 2023 be confirmed as a correct record and signed by the Chairman.

35. CHAIRMAN’S ANNOUNCEMENTS

The Chairman made the following announcements:

1. Jane Webb

‘For those of you who have not met her yet, I would like to introduce our new Senior Democratic Services Officer, Jane Webb. Some of you may recognise Jane from her similar role on the Police and Crime Panel.’

2. Independent Remuneration Panel

‘As you will be aware, the Independent Remuneration Panel comprising 4 Lay Members of the public, has commenced a review of Members Allowances and is due to report its recommendations to the full Council meeting in February 2024 to enable any changes to take effect from 1 April 2024.

To enable them to conduct their review effectively, the IRP has sent out a Questionnaire on how much time, on average, Councillors spend on Council business and to get your thoughts on the allowances received. Please could you complete the questionnaire as fully as possible, or alternatively you can make a written submission to the IRP. These should be sent to Tracy Couper in Democratic Services or to the IRP Chairman, Richard Tyler. Paper copies of the Questionnaire are available from Tracy to take away this evening.’

6:17pm - Cllr Shepherd arrived at the meeting.

36. PETITIONS

No petitions had been received.

37. NOTICE OF MOTIONS UNDER PROCEDURE RULE 10

a) Road Charging

The following Motion was proposed by Cllr Bailey and seconded by Cllr Sharp:

‘That this Council does not support road charging anywhere in Cambridgeshire.’

Speaking as the proposer of the Motion, Cllr Bailey highlighted that the Liberal Democrats and Labour were divided on the issue of road charging. At a recent GCP meeting, three voting members spoke in favour of the Cambridge congestion charge but then voted against it. She highlighted that the Local Transport & Connectivity Plan referenced terms such as, “area wide road user charge”, “cordon-based road user charging”, “access and capacity constraints”, “workplace parking levy” and “parking price strategies” all of which penalised motorists. The County Council Leader had made it clear that the County would not vote for congestion charging in Cambridge, as it was not the right time due to the general election but both the Liberal Democrats and Labour Councillors, including the Chair of Highways Committee, had stated that they would like to see the issue considered in the future. Councillor Bailey concluded that to pursue road charging would be against what the people of Cambridgeshire wanted therefore she urged all Councillors to support the motion to make it clear to residents that they did not support the implementation of road charging in Cambridgeshire.

A Member gave details of a recent Government Select Committee report on this issue and expressed concern that, with the loss of vehicle duty and fuel tax from electric and hybrid vehicles, there needed to be a fairer system of taxation, which could be based upon road pricing. However, this Motion did not address the issues raised in the Select Committee report or contribute to an ‘honest conversation’ on the issue of road pricing.

Several Members stated they had been elected to represent the people of East Cambridgeshire and Members should not overrule the will of the people; a recent survey had shown that more people had voted against the congestion charge than for it, and a second survey had shown 80% did not want the charge; there were other ways to raise money, other than road charging, therefore they urged Members to support the Motion.

Speaking as the seconder of the Motion, Cllr Sharp stressed that this was an issue that had affected the residents of East Cambridgeshire for the last 12 months. Improved public transport was needed but funding via road charging was not the answer and both East Cambridgeshire and the County Council had

asked for a referendum on this issue, unsuccessfully. The three layers of government involved in transport, the Combined Authority, the County Council and the GCP (controlled by Labour and Liberal Democrats) did not have an agreed scheme on how to tackle this issue. Better transport was needed, especially for the rural areas.

Summing up as the proposer of the Motion, Cllr Bailey stated this was the most 'political' issue in 17 years. 89% of residents of East Cambridgeshire were against the idea and she was concerned that the Local Transport Plan would be approved, which included closing down roads, stopping access, bringing in pricing structures and pricing regimes potentially across the entire geography of the County. She urged all Members to listen to residents and support the Motion.

Following a request for a recorded vote, the Motion was declared to be carried with 15 votes in favour and 0 votes against with 13 abstentions:

FOR: (15) – Cllrs Ambrose Smith, Bailey, Brown, Bovington, Edwards, Goldsack, Goodearl, Horgan, Huffer, Hunt, Lay, Miller, Pettitt, Sharp, Vellacott

AGAINST: (0)

ABSTENTIONS: (13) – Cllrs Akinwale, Cane, Colbert, Holtzmann, Inskip, Dupré, Pitt, Shepherd, Trapp, Wade, A Whelan, C Whelan, Wilson

b) Four Day Working Week

The following Motion was proposed by Cllr Sharp and seconded by Cllr Vellacott:

'This Council does not support the introduction of a 4-day working week.'

Speaking as the proposer of the Motion, Cllr Sharp explained that the health and wellbeing of the staff, together with their work life balance, was of utmost importance to the Council. Without good staff, the Council would not function, and the services would not happen; Members of the public needed access to the services five days a week. He explained another Council had run a 4-day week trial since January 2023 (for a period of 3 months), and in May 2023 extended the trial to 12 months. He highlighted reports that the scheme had saved £750,000 on agency staff but had cost £3.3million for paying staff for not working on one day. Cllr Sharp reiterated that he wanted East Cambridgeshire staff to be valued and remunerated for the work they carried out, for the public to receive the service they deserved, expected, and paid for. Therefore, he commended that the Council not support the introduction of a 4-day working week.

During subsequent debate on the Motion, a number of Members agreed that the Council's services should be available to residents for five days a week, and this needed protecting.

However, it was acknowledged there would be some employees already working a four-day week through choice, or other employers offering these terms. In addition, the comment was made that the simplistic nature of the wording of the Motion did not address the wider implications of the issue or take into account the views of staff themselves.

Speaking as the seconder of the Motion, Cllr Vellacott thanked Members for their contributions and explained that if a private company implemented a 4-day working week, then market forces and profit levels would apply and dictate its effectiveness; if it failed, society would still function. But a public service provider could not justify reducing its service and taking the same amount of money as it had a monopoly on Council Tax and Public Service provision. He explained he was in favour of society moving to flexible working arrangements and he would always look at better ways to support staff, but five-day jobs must not be crammed into four days, especially in Local Government, where good service must be upheld. He stated that some Councils demanded more Council Tax each year to maintain a good service, but East Cambridgeshire had continued to freeze Council Tax and continued to deliver a good and efficient service, with kind, knowledgeable, efficient, effective, and well-supported staff. He concluded that any changes to working patterns would need to be evidence based and not policy based; any administration affected by the problems seen at South Cambridgeshire should convene a special session of its elected personnel and have it overridden immediately, and he urged Members to support the Motion.

Summing up as the proposer of the Motion, Cllr Sharp stated that instances had been reported of residents having trouble contacting the services such as Planning at a neighbouring Council on a Monday or Friday, due to the 4-day working week. He stated he would continue to support staff and commended the Motion.

On being put to the vote, the Motion was declared to be carried.

38. QUESTIONS FROM MEMBERS

Five questions were received, and responses given as follows:

1) Question to the Leader from Cllr Lucius Vellacott:

"Soham and Wicken High Streets are frequently affected by excessive speeding, as well as illegal parking, so I welcome the introduction of a new enforcement scheme by the Police to address this. Could the Leader of the Council provide the latest update on the scheme's development?"

Response from the Leader, Cllr Anna Bailey:

"I thank Cllr Vellacott for his question, and I think it is worth just talking about those authorities trying to bring in Civil Parking Enforcement

(CPE) for a second; even though CPE only deals with the parking issue, not speeding. Costs are escalating in those authorities trying to introduce CPE with Fenland facing an up-front bill of nearly £1m and Fenland is also being told it will have to take on the maintenance responsibility of lineage and signage.

South Cambridgeshire District Council has agreed to the introduction of parking charges on the streets of the villages of South Cambridgeshire once the money from the Greater Cambridgeshire Partnership runs out. I am certain the population of the leafy South Cambridgeshire villages are blissfully unaware of this. I will not sign up this authority to such levels of expenditure for things that are not even our responsibility and that are irreversible; this Council will not put our free parking at risk with the introduction of CPE.

However, there is a problem across our district with our police resources stretched and in October 2022, we put an innovative solution to Cambridgeshire Constabulary, which they have taken time to carefully consider I and am now pleased to give an update on the alternative proposal we put to Cambridgeshire Police. I met with Supt James Sutherland yesterday and the proposals for the introduction of the Road Safety Volunteer roles are going for sign off to their November Change Board. Just a reminder that this is about a wider road safety remit; these roles will be able to capture evidence that would lead to speeding fines, as well as playing an education role talking to people at school gates, which are a point of contention with regard to a road safety issue. There is a lot more involved than just car parking and the proposals have been adapted to speed up implementation; there are a large number of Special Constables in the Cambridgeshire force that are non-active, or older, or not so engaged. The new model proposes to recruit them to the project, they are already trained in elements such as conflict de-escalation and have all the powers of a Police Constable, so will not require the use of S38 to carry out the role. The intention is to build this Special Constable team that will then be able to oversee and support the new Road Safety Police Volunteers which will use S38 to carry out their work. We look forward to the result of their Change Board meeting in November and Supt James Sutherland was optimistic about a speedy rollout. I hope we will start to see car parking as well as road safety being addressed and tackled across our district.”

2) Question to the Chair of Operational Services Committee from Cllr Christine Colbert:

“What plans does this Council have to enter into the Business Waste market?”

Response from the Chair of Operational Services Committee, Cllr Julia Huffer:

“Thank you, Cllr Colbert, for your question. Operational Services Committee approved the ECSS Business Plan in March 2023 which included a commercially minded work stream. ECSS is currently

focussed on delivering a service for the Council and meeting the key performance indicators in the Business Plan.”

3) Question to the Chair of the Operational Services Committee, Cllr Julia Huffer from Cllr Christine Whelan:

“At the current time there are many houses that are run by Sanctuary housing, some that are empty and have been for over a year.

Will Cllr Huffer invite Sanctuary Housing to a meeting of Operational Services Committee to answer questions from members regarding the empty housing they have in the district?”

Response from the Chair of the Operational Services Committee, Cllr Julia Huffer:

“Thank you, Councillor Whelan, for your question. Like you, I am also concerned about the number of empty properties Sanctuary Housing have in the district. The Leadership have already instructed Senior Officers to work with Sanctuary Housing to get more information that would enable us to better understand why these properties are empty, for how long they have been empty and what is Sanctuary’s action plan for dealing with the issue. However, I do not believe that Operational Services Committee is the right platform to engage with Sanctuary so I am going to ask officers to arrange a Member Seminar so that all Members will have the opportunity to ask their questions to Sanctuary, as this is a district wide issue.”

4) Question to the Chair of Operational Services Committee on ECSS governance from Cllr Mark Inskip:

“At the full Council meeting on 21 February a member expressed concern about the proper governance of the East Cambs Street Scene should the Council’s Director Operations also be an ECSS Director. Explaining that in effect this would mean that the Council Officer responsible for monitoring the delivery of the company’s improvement plan would also be a Company Director.

Cllr Huffer told the Council on 21 February that she had “no such reservations” about the proposed appointment of the Director of Operations as an ECSS Director.

On 29 September the Chief Executive briefed members that "to provide greater separation and clarity between the roles and responsibilities of the Council and ECSS, particularly at senior management level... [the] Director, Operations will... resign from the ECSS Board".

Has Cllr Huffer had opportunity to reflect on her earlier statement?”

Response from the Chair of Operational Services committee on ECSS governance, Cllr Julia Huffer:

“The Chief Executive has undertaken a full review of ECSS and I fully support his decision on senior management changes.

5. **Question from Councillor Charlotte Cane to Leader of the Council:**

Cllr Bailey told Council on 21 February that "She disagreed with the assertions of poor governance [at ECSS]"

On 29 September the Chief Executive briefed Members that "there are governance failures..."

Has Cllr Bailey had opportunity to reflect on her earlier statement?

Response from the Leader of the Council, Councillor Bailey:

"Thank you for the question, Cllr Cane. Members are clearly aware that the Chief Executive has undertaken a review of ECSS as instructed by the Audit Committee, whose conclusions we fully support, unlike the opposition who voted against his recommendations."

31. **RECOMMENDATIONS FROM COMMITTEES AND OTHER MEMBER BODIES**

Council considered report Y54, previously circulated, detailing recommendations from the Finance & Assets Committee as follows:

1. **Finance & Assets Committee – 28 September 2023**

a) **Local Council Tax Reduction Scheme (LCTRS) Review 2024/25**

The Chairman of the Finance & Assets Committee, Cllr Sharp, proposed that the Council leave the LCTRS scheme unchanged for 2024/25, at an 8.5% minimum contribution. Cllr Lay, seconded the proposal.

Cllr A Whelan proposed an amendment:

'That the LCTRS scheme for 2024/25 remain unchanged.' To read:

'That the Council agrees to implement paragraph 4.2 Option 2 in the report attached at Appendix A to change the minimum contribution to 0% to recognise the current cost of living crisis.'

Speaking as proposer of the Amendment, Cllr A Whelan stated that the Administration believed that everyone should pay something towards Council Tax, but research had shown that one in four children lived in poverty, in the worst cost of living crisis in a lifetime. The payments required were relative to income and bills with inflated food and energy costs; many people had reached the end of their monies and were in a desperate state. This Motion created a small cost to the Council, yet for those concerned it could be the difference between eating and going hungry. Cllr A Whelan urged Members not to think about their income levels but to support the neediest residents and support the amendment.

Speaking as seconder of the Amendment, Cllr Inskip reminded Members that they were elected to take decisions for the benefit of residents and to make decisions that directly impacted those struggling in the current cost of living crisis. Residents were struggling with the highest interest rates for two decades, the highest inflation since the 1980s and a Government tax burden which was the highest since the second world war and Members should help these residents. Therefore, he urged Members to support the amendment.

As the proposer of the recommendations, Cllr Sharp highlighted that this was discussed at some length at Finance & Assets Committee, and it was acknowledged that some residents were currently experiencing difficulties. It was felt some contribution should be made by all residents of the District however small, other hardship relief mechanisms were available and therefore, he recommended Members remained with the 8.5% contribution and reject the 0% contribution.

Following a request for a recorded vote, the Amendment was lost with 15 votes against, 13 in favour and 0 abstentions:

FOR: (13) – Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Pitt, Shepherd, Trapp, Wade, A Whelan, C Whelan, Wilson

AGAINST: (15) Cllrs Ambrose Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Horgan, Huffer, Hunt, Lay, Miller, Pettitt, Sharp, Vellacott

ABSTENTIONS: (0)

Returning to the Motion to support the recommendation, Members were reminded that through the Housing and Community Team, there was other support available to residents on low incomes and those impacted by the cost-of-living crisis. A Member stated 90% of residents paid the full Council Tax with the Council supporting 3389 homes with rebates on Council Tax; and believed that everyone should share the burden of paying for what was needed within society.

As the proposer of the recommendations, Cllr Sharp acknowledged this issue had been debated well at the Finance & Assets Committee by all Members and appreciated that there was extra support for residents in difficult situations and therefore recommended that Members supported the Motion.

Upon being put to the vote the Motion was carried.

It was resolved:

That the 8.5% reduction scheme be retained, i.e. the maximum reduction for a working age claimant remains at 91.5% for the 2024/25 financial year.

32. EAST CAMBRIDGESHIRE LOCAL PLAN SINGLE ISSUE REVIEW FOR ADOPTION

Council considered a report (Y70, previously circulated) concerning whether to consider the Inspector's Report into the Single Issue Review (SIR) of the East Cambridgeshire Local Plan, and determine whether to accept the recommendations of the Inspector, and subsequently adopt the updated East Cambridgeshire Local Plan in accordance with those recommendations.

The Director Community explained that the Council updated the housing requirement figure set out in Policy Growth 1. The recommendations would give greater confidence to both Planning officers and the Planning Committee to make decisions in accordance with the updated Local Plan.

The recommendations in the report were proposed by Councillor Bailey and seconded by Cllr Goodearl. Cllr Bailey thanked the officers involved with this piece of work, particularly the Strategic Planning Manager. She highlighted that the Inspector had stated that the evidence had not persuaded the Inspector that the provision of more housing would lead to a greater provision of affordable housing and that to wait for a forthcoming Planning Act before undertaking a comprehensive update of the Local Plan made sense. The Inspector also stated that the Local Plan was up to date in all other aspects and therefore an immediate review would not be effective or justified. Cllr Bailey supported the recommendations and highlighted that the Inspector found the amended version of the Local Plan sound, positively prepared, clear, justified, and consistent with national policy and would therefore be effective.

7:20pm – Cllr Trapp briefly left the meeting.

The Leader of the Liberal Democrat Group commented that the Local Plan was out of date and their Group believed that a more significant update of the Plan should have taken place. The current Plan had failed to protect residents from inappropriate developments and was now out of date regarding climate change. The introduction of a standard national method to determine a local housing need gave a housing requirement of 5,398 for the nine years 2022-31. To meet this need, the rate of house building would need to increase significantly (from an average of 419 per annum to 600 per annum). She added, there was no convincing evidence that housing provided over the minimum level would be realistic or deliverable. Regarding affordability, the Inspector stated there would need to be a significant uplift in housing provision for the affordable housing need to be met, however this would lead to provision in excess of the total identified housing need for the district, with unknown implications. Additionally, it had not been demonstrated that delivery at this level would be realistic. Consequently, the evidence had not shown that the required provision for more housing would lead to a greater provision of affordable housing. The Leader of the Liberal Democrat Group believed the residents of East Cambridgeshire should prepare for a 50% increase in house building which would fail to meet the needs of the area for affordable homes.

7:22pm – Cllr Trapp returned to the meeting.

Other Members echoed the earlier thanks to the Strategic Planning Manager for his work on the Plan. They also considered the Local Plan to be out of date, which had weakened the Council's case at appeal and the protection the Council was able to provide against developments on inappropriate sites. The Inspector had stated that this Plan was unable to provide the affordable housing that was needed for the District and therefore it was essential that cross party working took place on the revised Local Plan, to find a solution to deliver the affordable housing that was required.

Summing up, Cllr Bailey stressed that the Council had embarked on a new environmental chapter; with the latest return report having shown a delivery of 785 houses (820 including older people's accommodation) in the last year; this was a 2% growth, which was unheard of (national housing target 1% growth). Regarding affordable housing, the Conservatives had brought forward £100k homes, homes on the ex-MOD site and Community Land Trust sites. She emphasised that the Community Land Trust Policy, delivered affordable housing for local working people. She gave assurances around housing land supply, stating that this issue would always be under challenge by developers, but the update further secured the Council's position and therefore Members should support and adopt the recommendations.

It was unanimously resolved:

- A. That Appendix 2a of the submitted report be noted.
- B. That the Single Issue Review amendments to the East Cambridgeshire Local Plan 2015 be adopted with the following amendments:
 - i) The changes as were set out in the SIR Consultation Document (May 2022) (Appendix 1), other than those parts superseded by (ii) and (iii) below.
 - ii) The main modifications as recommended by the Inspector in his Inspector's Report (Appendix 2b); and
 - iii) Other minor editorial modifications ('Additional Modifications') (Appendix 3)
- C. That the Strategic Planning Manager be authorised to incorporate the amendments arising from Recommendation (B) above into an updated Local Plan for publication as soon as possible, with the new Local Plan to be referred to as the East Cambridgeshire Local Plan, 2015 (as amended 2023).

7:33pm – 7:45pm the meeting was briefly adjourned for a comfort break.

7:35pm Councillors A Whelan and C Whelan left the meeting.

**33. AMENDMENTS TO MEMORANDUM OF AGREEMENT BETWEEN ECDC
AMD ECSS**

Council considered a report (Y71, previously circulated) concerning the approval of the changes to the Memorandum of Agreement (MOA), with the addition of the revised Key Performance Indicators (KPIs) for ECSS and the revised Risk Register entry in relation to ECSS. The Director Legal explained that the recent Audit Committee formally acknowledged and supported the requirement to amend the Memorandum of Agreement.

Councillor Bailey proposed the recommendation in the report, seconded by Cllr Vellacott.

The following amendment was proposed by Cllr Cane and seconded by Cllr Inskip

- “2.1 Council notes that the proposed changes to the MOA as detailed in Appendix 1 would contradict clauses 3.5 & 7.3 of the Shareholder Agreement with ECSS, which requires that:
- “3.5 The Company agrees with the Council that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company...”
- “7.3 The Company will provide to the Shareholder full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.”

Council therefore does not approve the changes to the MOA as detailed in Appendix 1;

- 2.2 Council requests that Operational Services Committee reviews the proposed changes to the Key Performance Indicators (KPIs) for use in the MOA with ECSS at Appendix 2;
- 2.3 Council notes with concern the revised Risk Register entry at Appendix 3;
- 2.4 In the light of the significant weaknesses identified by the Chief Executive in his written briefing to members on 29 September 2023, some of which would be breaches of the Shareholder Agreement, Council instructs the Chief Executive to commission an independent review of the Governance of ECSS and make recommendations for a robust structure. This review to include, but not be limited to:
 - (i) consideration of whether the Directors have complied with relevant legislation and the Shareholder Agreement;
 - (ii) whether the Council Observers could be seen as de facto Directors, and if so, whether they have complied with relevant legislation and the Shareholder Agreement;
 - (iii) whether other Senior Council members could be seen as de facto Directors by attending ECSS Board meetings, and if so, whether they have complied with relevant legislation and the Shareholder Agreement.

Speaking as proposer of the Amendment, Cllr Cane apologised for the lateness of the Amendment but clarified that it was within the scope of the Council's Constitution. She was concerned with the current recommendations and explained that clauses 3.5 and 7.3 of the Shareholder Agreement clarified that the ECSS Directors were responsible for managing the finances of ECSS and to keep ECDC informed of material changes; this was already contained within the Agreement. Clause 9 clarified that nothing in the Agreement fettered either ECSS or ECDC; yet the proposed change to the MOA contradicted 3.5 and 7.3 by over-writing them with very specific requirements for the Directors to review the management accounts quarterly and to inform ECDC if there was an overspend of £50k, was very different from the Shareholder Agreement. She added that it would also fetter the Directors, which was illegal. Operational Services Committee had agreed the KPIs but the proposed amendment to the MOA watered these down and this needed to be reviewed. She remarked that the Risk Register showed there was an increased risk, both risks were now rated as '20', these should be noted with concern. She indicated that a proper independent review was required as the Chief Executive had identified significant governance weaknesses in ECSS and between ECSS and ECDC. She was concerned that Audit Committee had identified that ECSS Board approval was not required before the Managing Director agreed revised terms and conditions for staff, despite a £314,000 overspend. An Independent review should be held covering the status of Observers and Directors and whether Observers were de facto Directors and had properly fulfilled their responsibilities. She believed that Council would be taking a risk if Members supported the current recommendations and explained the Amendment addressed these risks. Therefore, she urged Members to vote for the Amendment.

Speaking as the seconder of the Amendment, Cllr Inskip reiterated the concern raised by Cllr Cane. He commented that before May he had raised concerns at the Audit Committee regarding governance and risk ratings that he believed were not considered adequately. There were also concerns that if senior Councillors were appointed as Observers on company boards there could be risk that this would be seen as influencing decisions, particularly if they participated in any discussions, and as such could become liable as de facto Directors.

As proposer of the Motion, Cllr Bailey explained that advice had been taken from Officers and assurances given that the amendment to the MOA was not at odds with the Shareholder Agreement but was in addition to the Shareholder Agreement; the Audit Committee had supported this, and it provided further definition to the Shareholder Agreement. She added that the management accounts already went to Operational Services Committee quarterly which was effectively reporting as soon as the information was available. The proposed changes to the MOA required the company to formally notify the Operational Services Committee of over and under spends, including mitigations; this would strengthen the reporting position. Therefore, she would not be supporting the amendment.

Following a request for a recorded vote, the Amendment was lost with 15 votes against, 11 in favour and 0 abstentions:

FOR: (11) – Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Pitt, Shepherd, Trapp, Wade, Wilson

AGAINST: (15) Cllrs Ambrose Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Horgan, Huffer, Hunt, Lay, Miller, Pettitt, Sharp, Vellacott

ABSTENTIONS: (0)

As proposer of the Motion, Cllr Bailey thanked the Audit Committee and the Chief Executive for their support and review of the item. It was acknowledged that the Council had never shied away from the problems with the waste and recycling service; it had been running as a 'gold standard' service until round reconfiguration was carried out, followed by the national shortage of HGV drivers and serious staff sickness issues due to Covid. A decision to loan the necessary money to ECSS, would have meant that ECSS going into administration. Cllr Bailey reiterated that the interests of ECSS and ECDC were aligned; therefore, she welcomed the governance clarification and urged Members to support the recommendations.

One Member believed that the Audit Committee was unable to question the people it needed to question to properly assess the situation. If ECDC has been informed of the potential issues in the summer of 2022, then ECDC could have worked with ECSS to find a solution. They believed the current update to the MOA made worsened the situation, as the Shareholder Agreement made it clear that the Directors were responsible for the proper financial management of the company, yet this was being taken away from them; these were not improvements and therefore they could not support the recommendations.

Speaking as seconder of the recommendations, Cllr Vellacott was reassured that the changes had been put forward to bolster the effectiveness of the waste service; it was an indication of good governance to improve the MOA. He understood that there was a need to mitigate corporate risk and this report did that; any amendment would undermine the officers' expertise. He added that the KPIs were reviewed quarterly by Operational Services Committee. He added that Members were able to approach officers with their concerns or to ask questions if they wished to understand more of the detail on the Company and he urged all Members to support the recommendations.

Summing up as proposer of the recommendations, Cllr Bailey reminded Members that Officers had explained the position about officer attendance at Audit Committee and reiterated that Members could approach officers with questions if they wish to understand more about the Company.

Following a request for a recorded vote, the Motion was carried with 15 votes in favour, 11 against and 0 abstentions:

FOR: (15) – Cllrs Ambrose Smith, Bailey, Brown, Bovington, Edwards, Goldsack, Goodearl, Horgan, Huffer, Hunt, Lay, Miller, Pettitt, Sharp, Vellacott

AGAINST: (11) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Pitt, Shepherd, Trapp, Wade, Wilson

ABSTENTIONS: (0)

It was resolved:

1. That the changes to Memorandum of Agreement as detailed in Appendix 1, with the addition of the revised Key Performance Indicators (KPIs) for ECSS at Appendix 2 be approved.
2. That the revised Risk Register entry in relation to ECSS at Appendix 3, be noted

34. CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY UPDATE REPORT

Council received the reports (previously circulated) from the Combined Authority's Skills and Employment Committee (3 July 2023), Transport and Infrastructure Committee (12 July 2023), Audit and Governance Committee (7 July 2023), Overview and Scrutiny Committee (24 July 2023) and the Board (26 July 2023).

It was resolved unanimously:

That the reports on the activities of the Combined Authority from the Council's representatives be noted.

35. ACTIONS TAKEN ON THE GROUNDS OF URGENCY

Council considered a report (Y72 previously circulated) to note the action taken on the grounds of urgency in relation to the finalisation of the Crematorium full Business Case.

A Member questioned why this action had been taken on the grounds of urgency and added that consultation had shown that the residents of East Cambridgeshire did not want the Mepal Crematorium. Another Member clarified that the consultation had received 188 responses and 85% had stated they had an important family allegiance to the site as an outdoor centre, but when questioned about the rich ecology and biodiversity on the site (now a designated county wildlife site) and the proposed crematorium project, which aimed to protect and enhance the ecology of the site; 73% of respondents considered this to be very important and 16% important. This showed that respondents supported the position of protecting and enhancing the biodiversity of the site. The proposals were for a high quality, environmentally friendly facility that would give local people more choice at a time of need in their lives, in a beautiful tranquil setting. The Leader explained that, as the Member consulted in accordance with the Constitution, she fully

supported signing-off of the action under grounds of urgency due to the need for specialist VAT advice to finalise the business case.

It was resolved:

The action taken on the grounds of urgency be noted.

The meeting concluded at 8:22pm

Chairman.....

Date.....