

East Cambridgeshire
District Council

**ANNUAL
COUNCIL MEETING**

23 May 2024

Agenda
Minutes and Recommendations



East Cambridgeshire District Council

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Annual Meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held on **THURSDAY 23 MAY 2024** in the **COUNCIL CHAMBER** at **THE GRANGE, NUTHOLT LANE, ELY, CB7 4EE**, commencing at **6:00pm** with up to 15 minutes of Public Question Time, immediately followed by the formal business, and you are summoned to attend for the transaction of the following business

Prior to the commencement of the formal business, prayers will be delivered by Reverend Eleanor Whalley, Soham Parish Church

Agenda

- 1. Public Question Time** **[oral]**
The meeting will commence with up to 15 minutes Public Question Time (PQT) – questions/statements can be submitted in advance or placed in the PQT box in the Council Chamber prior to the commencement of the meeting – see Notes below for further information on the PQT scheme.

- 2. Election of Chair 2024/25**

Nomination	Proposed by	Seconded by
Cllr Mark Goldsack	Cllr Anna Bailey	Cllr Julia Huffer
Cllr Gareth Wilson	Cllr Lorna Dupré	Cllr Charlotte Cane

- 3. Apologies for absence** **[oral]**

- 4. Election of Vice-Chair 2024/25**

Nomination	Proposed by	Seconded by
Cllr David Brown	Cllr Anna Bailey	Cllr Julia Huffer
Cllr Christine Whelan	Cllr Lorna Dupré	Cllr Charlotte Cane

- 5. Declarations of Interests** **[oral]**
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.

- 6. Minutes – 20 February 2024**
To confirm as a correct record.

7. Ely West Ward District By-Election Result

To note the election of Councillor Ross Trent as a District Councillor for the Ely West Ward.

8. Chair's announcements **[oral]**

9. To receive Petition(s) **[oral]**

10. Notice of Motions under Procedure Rule 10 **[oral]**

(i) Preventing Abuse and Intimidation of Public Officials

East Cambridgeshire District Council, hereinafter referred to as the 'Council', notes that:

- It is a privilege and a responsibility to be elected to a public office, which Members feel proud to enter into. It is an equal privilege and responsibility to serve local government as an officer.
- The intimidation and abuse of councillors and candidates, of any party or none, in person or otherwise, undermines democracy, prevents elected Members from representing the communities they serve and deters individuals from standing for election. It also undermines effective discussion, understanding and accountability for the benefit of local people.
- According to the Local Government Association, this intimidation and abuse is greatly increased with respect to social media, which has greater implications for younger people becoming or serving as councillors or officers.
- Increasing levels of toxicity in public and political discourse, towards both officers and Members, distracts from the material priorities of local communities, and is preventing the engagement of a wide range of people and viewpoints in the democratic process.
- Preventative actions, support and responses should be in place to ensure that Members, candidates and officers feel safe and able to fulfil their obligations to the best of their judgement and ability.

The Council resolves, in response to this information, to:

- Officially subscribe itself to the Local Government Association's Debate Not Hate campaign, which endeavours to raise public awareness of the role of councillors in local communities, encourage healthy debate and support those in public life more generally who may face abuse and/or intimidation.
- Use the LGA template letter to write to Lucy Frazer MP and Steve Barclay MP to ask them to work with His Majesty's Government and the LGA to develop and implement a plan to address abuse and intimidation of public officials at every level of government.
- Subsequently, instruct the Chief Executive to publicise the Council's membership thereof to all Staff and Members and display the LGA Debate Not Hate posters at The Grange Reception and Council Chamber, and to actively encourage its Parish Councils to do the same, citing the above information.
- Instruct the Chief Executive and Democratic Services Manager to undertake a 4-yearly review (before each full election to the Council) of the support available to councillors, officers and election candidates in relation to abuse, intimidation and safety, and report this to the Finance and Assets Committee and to all candidates.
- To have this information uploaded to a page as part of the new website development, and to display the LGA's Debate Not Hate logo in the website footer.

- Work with the local Police and the East Cambs Community Safety Partnership (CSP) to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of public officials and their families, including prevention.
- Take a zero-tolerance approach to abuse of councillors, candidates and officers, whether in person or otherwise, and support them to uphold the most exemplary standards of respectful debate, individual accountability and public service.

Proposer: Councillor Lucius Vellacott

Seconder: Councillor Mary Wade

(ii) Two Child Limit to Benefit Payments

The Two Child limit to benefit payments was introduced in 2017. It prevents families from claiming Child Tax Credit or Universal Credit for more than two children in the household.

Council notes the recent [research conducted by the End Child Poverty Coalition](#) which has found that:

- 1.5 million children in the UK live in households subject to the two-child limit on benefit payments. That is roughly one-in-ten children in the UK.
- In 2023/24 the two-child limit cost families up to £3,235 per child each year.
- There is a strong correlation between families affected by the two-child limit and those who are living in poverty.
- Scrapping the two-child limit would lift 250,000 children out of poverty overnight, and significantly reduce the level of poverty that a further 850,000 children live in.
- Scrapping the two-child limit would cost £1.3 billion, however it is estimated that child poverty costs the economy £39 billion each year.

In East Cambridgeshire, 1,160 children in 330 households are currently affected by the two-child limit to benefit payments. That is 6 per cent of all children in the authority area. At the same time 3,226 local children are living in poverty.

Council strongly believes that the two-child limit to benefit payments is a cruel and harmful policy that should be scrapped. [Research from the University of York](#) has shown its introduction has had no positive impacts on employment and earnings. Instead it has dragged hundreds of local families into poverty.

Council resolves to:

- Instruct the Chief Executive to write to the Chancellor of the Exchequer and the Prime Minister indicating East Cambridgeshire's strong belief that the two child limit to benefit payments should be scrapped—which would help 1,160 children living in East Cambridgeshire.
- Further instruct the Chief Executive to write to both MPs covering the East Cambridgeshire area, asking them to commit their public support to the campaign to end the two child limit to benefit payments.

Proposer: Cllr Charlotte Cane

Seconder: Cllr Mark Inskip

(iii) Accessible Play

This Council:

Acknowledges the Essential Role of Play: Believes that opportunities for outdoor play should be accessible to and inclusive of all children and young people. Recognizes its role in ensuring this is the case for playgrounds under its control and in promoting high standards of inclusivity in playgrounds maintained by other bodies, including parish councils.

Addresses Accessibility Concerns: Notes with concern that not all current playgrounds meet the needs of children and young people with disabilities, including but not limited to children and young people using wheelchairs or special educational needs, including but not limited to children and young people with autism, and commits to addressing these gaps.

Playgrounds as Essential Community Hubs: All children and young people have a right to play, which must be supported and reflected in our playgrounds. They are essential for community engagement and childhood development and must be designed and built with inclusivity as a foundational principle.

This Council resolves to:

1. **Audit and Assess:** Undertake or commission an audit of all playgrounds within East Cambridgeshire, including those managed by external bodies, to assess levels of inclusive provision and identify areas needing improvement.
2. **Strategic Reporting:** Receive a report to the appropriate Committee detailing the outcomes of the audit, along with a proposed council policy on inclusive play that sets specific, actionable standards for all playgrounds in the East Cambridgeshire area.
3. **Funding and Implementation:** Cost a programme to increase the inclusivity of its playgrounds to the standards agreed in the policy. Identify potential sources of funding and explore the feasibility of directing specific funds to parish councils for the development or enhancement of their playground facilities and consider how to fund accessibility improvements in play areas maintained by developers.
4. **Community and Parish Council Engagement:** Develop and implement a comprehensive plan to increase awareness and knowledge of inclusive play needs among all local parishes in East Cambridgeshire. Encourage parish councils to apply these inclusivity standards in their playground projects, ensuring local community involvement in the planning process, especially when developers are required to provide play areas.
5. **Planning and Collaboration:** Work closely with its planning department to integrate inclusivity expertise into the planning and approval processes for new developments. Ensure that new playgrounds meet high standards of inclusivity from the outset. Actively consult with parents and carers of children and young people with SEND needs in collaboration with the Parish Council during the planning and design phases of the playground.
6. **Transparency:** Ensure the local community is made aware of accessible features and inclusive equipment in local playgrounds via effective channels, including the ECDC website, social media platforms, and information boards.

Proposer: Cllr Chika Akinwale

Seconder: Cllr Lorna Dupré

11. Notice of Rescission Motion under Procedure Rule 20

The Council formally rescinds paragraph (iii) of the motion in relation to the Constitutional Review Working Party (ref: 20 February 2024, Agenda Item 17 paragraph (iii)).

The Council notes the application of Council procedure rules to the Council's Committees as defined in the Constitution (ref: 4 (1a) paragraph 27.2).

The Council instructs the Chief Executive to produce a written guidance note to members, specifically to:

- reiterate the Council procedure rules as they apply to Council committees.
- confirm the cessation of written questions from members to officers.
- confirm that questions from members to officers without notice should be pertinent to the recommendations of the specific agenda item and at the discretion of the Chair.
- recognise the necessary discretion to the Chairs of the Council's Regulatory committees.
- confirm the requirement for a pre-Committee briefing between opposition spoke persons and the lead Committee officer, in addition to the requirement for a pre-Committee briefing with the Chair/Vice-Chair and the lead Committee officer.

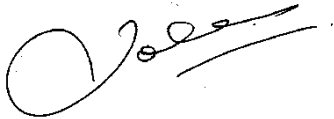
Proposer: Councillor Anna Bailey
Seconder: Councillor Julia Huffer
Councillor: Councillor Alan Sharp
Councillor: Councillor Kelli Pettitt
Councillor: Councillor Lucius Vellacott

- 12. To answer questions from Members [oral]**
- 13. Leader and Deputy Leader of the Council, Group Leaders and Deputy Group Leaders**
- 14. Political Proportionality**
- 15. Membership of Committees and Sub-Committees (including Substitutes) and Other Member Bodies 2024/25**
- 16. Schedule of items recommended from Committees and other Member bodies:**
 - **Audit Committee Annual Report**
- 17. East Cambs Trading Company (ECTC) and East Cambs Street Scene (ECSS) matters**
- 18. Cambridgeshire and Peterborough Combined Authority:**
 - (a) Appointments to Combined Authority**
 - (b) update report – March 2024**
- 19. Actions taken on the grounds of urgency**

Exclusion of the Public including representatives of the Press

That the Press and Public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 3 and 4 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

20. Actions taken on the grounds of urgency – Exempt appendices



J Hill
Chief Executive

To: All Members of the Council

NOTE:

At the conclusion of the Annual Council meeting, the following Committees/Sub-Committees will meet to elect a Chair and a Vice-Chair, etc, for 2024/25:

- **Finance and Assets Committee**
- **Operational Services Committee**
- **Audit Committee**
- **Licensing Committee**
- **Planning Committee**

NOTES:

Members of the public are welcome to attend this meeting. Admittance is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services (democratic.services@eastcambs.gov.uk or 01353 665555) of their intention to attend a meeting.

The meeting will be webcast and a live stream of the meeting will be available. Further details can be found at www.eastcambs.gov.uk/meetings/council-230524. Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

Public Questions/Statements are welcomed on any topic related to the Council's functions as long as there is no suspicion that it is improper (e.g. offensive, slanderous or might lead to disclosures of Exempt or Confidential information). Up to 15 minutes is allocated for this at the start of the meeting. Further details about the Public Question Time scheme are available at: <https://www.eastcambs.gov.uk/committees/public-question-time-scheme>

The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups at our meetings and would ask members of the public to bring their own drink to the meeting, if required.

Fire instructions for meeting: The instructions in the event of a fire at the venue will be announced at the commencement of the meeting.

Reports are attached for each agenda item unless marked “oral”.

If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk

If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

“That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended).”



East Cambridgeshire District Council

Agenda Item 4

Minutes of a Meeting of East Cambridgeshire District Council
held at The Grange, Nutholt Lane, Ely, CB7 4EE
on Tuesday 20th February 2024 at 6.00pm

PRESENT

Councillor Chika Akinwale
Councillor Christine Ambrose Smith
Councillor Anna Bailey
Councillor Ian Bovington
Councillor David Brown
Councillor Charlotte Cane
Councillor Christine Colbert
Councillor Lorna Dupré
Councillor Lavinia Edwards
Councillor Mark Goldsack (Chairman)
Councillor Martin Goodearl
Councillor Kathrin Holtzmann

Councillor Julia Huffer
Councillor Bill Hunt
Councillor Mark Inskip
Councillor James Lay
Councillor David Miller
Councillor Kelli Pettitt
Councillor Alan Sharp
Councillor John Trapp
Councillor Lucius Vellacott
Councillor Mary Wade
Councillor Gareth Wilson

36. PUBLIC QUESTION TIME

1. **Statement from Nicholas Acklam, a resident from the village of Reach**

“My name is Nicholas Acklam. I have lived in Reach for 32 years and was involved in the production of the Reach Neighbourhood Plan. It has taken five years to get to this point and the journey has not always been smooth. I am therefore pleased that the Plan was strongly endorsed by my fellow villagers at referendum earlier this month, with a turnout of 58% and a vote in favour of 66%. The Reach Neighbourhood Plan usefully supplements ECDC’s Local Plan, identifying in detail those qualities that make Reach a special place and which residents wish to preserve, whilst enabling modest, appropriate, and sustainable development. The Plan also provides a foundation on which improvements to our neighbourhood, as identified by residents, can be implemented. One such example is the Reach Nature Recovery Plan which already forms part of the district’s nature recovery strategy, but which depends heavily on policies laid out in the Neighbourhood Plan. It follows that I commend the Reach Neighbourhood Plan to Councillors and ask that you formally adopt it as part of the Development Plan of the district.”

Response from the Chair of the Council

The Chair thanked Mr Acklam for attending Council and for his statement and welcomed Mr Acklam to remain for the debate at Item 11 which his statement referred to. Council Members were requested to take Mr Acklam's statement into consideration in connection with Agenda item 11.

2. Question from Charmaine Switsur to the Leader of the Council -

Read out by the Democratic Services Manager:

"I have read about the Bereavement Centre project, which I think is a good use of the land at Mepal and I wanted to give my thoughts to the Council about it. I believe that this will be a fantastic local facility for the families of East Cambs. I particularly appreciate that the facility is for all people from different faiths and no faith at all. The images I saw of the proposed building look dignified and the surroundings look beautiful and peaceful. I really like the idea of a natural burials area and pet cemetery being included because many people would like to be buried near all their loved ones, including dearly treasured pets. I also like the idea that my carbon footprint will be minimised even in my death with the electric cremators, renewable energy, and a shorter trip to Mepal. Older people trying to get to their friend's funeral often have to rely on favours from friends or family and with a local centre it will be much easier for people to get there. I really hope that this project gets the go ahead.

My question is:

Will the Council work with local people to ensure that the inside of the bereavement centre is special, that it reflects its surroundings, and that it offers the atmosphere and services that the people of East Cambs want to see?"

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

"Thank you for your question and for your support of this project. Yes, we want to work really hard to make the Bereavement Centre special, to make it feel different, to respect and reflect its special surroundings and to deliver the services that local people want in the way that they want them. This is a community facility, it will belong to the people of East Cambs, and it's really important that they feel a sense of ownership and love for it. We will work with the public to understand this and to deliver a community facility and service that they, and we, can be proud of."

3. Question from Peter D. Harvey to the Leader of the Council - Read out by the Democratic Services Manager:

"Given a presumption in favour of commercial best practice; due diligence, can the Leader of the Council advise over what contingency plans are in place and/or have been considered in the event the speculative commercial venture, namely the proposed crematorium at Mepal, is unsuccessful?"

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

"I would like to start by reassuring you, and all the public, that extensive due diligence has been carried out on this project. The plans for the proposed Bereavement Centre have been developed over several years and we have worked with independent industry experts to produce a detailed business case

which includes a needs analysis, a full competition appraisal and a cost appraisal for both construction and operating costs; the business case has been robustly tested and is positive. There are no borrowing costs in the plan. Because of this work, I do not consider this to be a speculative commercial venture whatsoever and it is not accurate to describe it as such. The plans we are considering this evening have been well thought out and carefully modelled to ensure that the Bereavement Centre is financially sustainable. The analysis that has been carried out demonstrates that, even with the prudent assumptions around the number of cremations and the lower charges compared with other crematoria, the proposed Bereavement Centre, which is a community facility, is financially viable and the business case is positive.”

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Horgan, Councillor Shepherd, Councillor Pitt, Councillor Alison Whelan, and Councillor Christine Whelan.

38. DECLARATIONS OF INTEREST

No declarations of interest were received from Councillors.

39. MINUTES – 19th OCTOBER 2023

It was resolved:

That the Minutes of the Council meeting held on 19th October 2023 be confirmed as a correct record and signed by the Chair.

40. CHAIR’S ANNOUNCEMENTS

The Chair made the following announcements:

1. Investors in the Environment

I am very pleased that the Council has received a Silver Accreditation from the Investors in the Environment demonstrating a commitment to reducing our environmental impact and to the continual improvement of our sustainability performance. The report highlights, the team at ECDC has maintained a good environmental management system and continued to drive down emissions in many key areas. East Cambs District Council has achieved an excellent reduction in paper use, driven by monthly updates, setting annual targets and champions within departments and the Green Team has organised Carbon Literacy training available to all members of staff which has increased engagement and empowered participants. I am extremely happy with the results, and I am especially grateful to our Green Team Members who have been so supportive and engaged throughout the year. A copy of the accreditation report outlining our achievements as well as the next steps is available from Emma Jane Danielsson, Climate Change and Natural Environment Senior Officer. Well done to all involved.

2. Building Control

I was extremely proud to hear Craig Smith and his Building Control team have received national recognition for their working relationship with Soham-based Building Control agent Andrew Fleet.

Together they won “Best Partnership” at the Local Authority Building Control Awards, which recognise excellence in collaboration, communication and overall partnership working practices. A further thank you from the Chair to everyone involved for a very commendable performance.

3. Chair’s Events

I, myself have been busy attending various Civic events; one of notable interest was a Holocaust Memorial Day hosted by Huntingdonshire District Council which was a very moving event, at which I was proud to represent East Cambs District Council.’

41. PETITIONS

No petitions had been received.

42. NOTICE OF MOTIONS UNDER PROCEDURE RULE 10

No motions were received under Procedure Rule 10.

43. QUESTIONS FROM MEMBERS

Three questions were received, and responses given as follows:

1) Question from Councillor Lucius Vellacott to Leader of the Council, Cllr Anna Bailey, in her capacity as the Council’s Combined Authority Board Member:

“The CPCA Mayor is set to raise the precept by 200%, and whilst a service linking Soham and Cambridge is welcomed, residents in Wicken will not see the benefit. Those living in the village need to access all their local services in Soham. With access to Soham train station, just one bus would link Wicken with the world, and the world with an internationally important Nature Reserve at Wicken Fen (and the excellent Maids Head pub).

Will the Leader of the Council push the Mayor to examine the viability of a two-hourly service linking Wicken and Soham in his new proposals?”

Response from the Leader, Cllr Anna Bailey:

“Thank you, Cllr Vellacott, for your question. I did not support the Mayor’s precept when he introduced it in 2023, and I did not support the 200% increase to it this year. I note that, of the East Cambs residents that responded to the CPCA consultation on the precept, 66% were not willing to pay it to fund buses; in Fenland this figure was 77%. Perhaps this is because, despite the Mayor’s promises about levelling up public transport in the rural and deprived areas, he has made no progress on this to date. I’m afraid we are only in this position because of the chaos and dysfunctionality of the first two years of this current

administration at the Combined Authority. All other Combined Authorities and dozens of other Transport Authorities got tens of millions, and some got hundreds of millions to improve bus services – CPCA got nothing in that round. This failure is now being charged to local taxpayers. Devolution should be about receiving funding and powers down from Government, not a new excuse to tax local people, and it was unnecessary. Not least, the Mayor continues to support unsustainable bus routes, in one case costing the taxpayer a staggering £250 in public subsidy per return passenger journey, with promises that these high-cost routes will be improved to reach the benchmark level of £24 per return journey in public subsidy. However, the Labour and Lib Dem Board Members at the CPCA all supported the 200% precept increase and so now we must make the best of it. Three new routes are proposed for East Cambs from the precept increase as well as improvements on the B1102 corridor. In addition, there is also a plan to use some Government funding for a demand responsive transport pilot in East Cambs. Unfortunately, none of these proposals currently include Wicken, so I will of course take this up with the CPCA to see what is possible and report back. I do hope that the new funds raised through the Mayor's precept are not simply swallowed up rescuing commercially run services but, with the recent announcement by Stagecoach to make significant reductions to their Littleport to Cambridge Number 9 service, things have not begun well, and I fear we may see more of this to come. What new services East Cambs residents actually get from this new local taxation remains to be seen; I will do what I can to make sure that Wicken is given proper consideration."

2) Question from Councillor Cllr Bill Hunt, Stretham Ward, to Chair of F&A Committee Cllr Alan Sharp:

"At the meeting of the Finance and Assets Committee on 25th January 2024 doubt was cast on whether or not Stretham Parish Council had provided a letter of support for The Link project by Stretham and Wilburton Community Land Trust. Indeed, I noted that all the Liberal Democrats at that meeting, with the exception of one abstention, voted against providing funding for this project which includes a new GP Surgery. Can the Chair of the Finance and Assets Committee confirm that Stretham Parish Council did in fact provide a letter of support for the project?"

Response from the Chair of Finance & Assets Committee, Cllr Alan Sharp:

"Thank you, Cllr Hunt, for your question. Following meeting of the Finance and Assets Committee on 25 January 2024, and discussion regarding the Stretham Link Project Growth and Infrastructure fund application, the Council received a request from the Chief Operating Officer of Mereside Medical, that additional information be provided to Members of the Finance and Assets Committee to clarify their position regarding the new Stretham Link facility, including new GP premises for Stretham branch of Haddenham surgery. The information stated that the Chief Operating Officer of Mereside Medical had made it clear in her original email to Stretham Parish Council requesting in the letter of support that a key justification for new premises for Stretham branch being approved by the NHS is that it is integrated into community facilities that support wider health

and wellbeing. The email from the Chief Operating Officer to Stretham Parish Council mentions the Stretham and Wilburton CLT and their work preparing a revised proposal and Planning application for the new community facilities in Stretham; which include new GP premises for the Stretham branch of Haddenham surgery; that the CLT has now taken on all responsibility and risk associated with delivering and maintaining the new facility; and states that Mereside Medical are working closely with them to secure the capital funding required to deliver the build. It is clear in the email thread that the Chief Operating Officer provided, that all Parish Councillors were copied in on the email and that the support letter provided, explicitly recognised that the GP premises would be embedded in such a community facility. She requested that the email thread and attached letter of support be shared with all of those who were present at the Finance and Assets Committee meeting so that there is no ambiguity to the ask that was made to Stretham Parish Council, as well as the essential nature of the proposal to securing the resumption of healthcare services in Stretham. This email was sent to all members of the Finance and Assets Committee.”

3) Question from Councillor Martin Goodearl to Councillor Anna Bailey:

“Myself and the residents of Littleport and in the wider area are upset to hear that Stagecoach are making large reductions to the No.9 bus service in April. This will mean a massive loss of service to the residents of Littleport especially those, who cannot drive, requiring to get to an appointment at the walk-in medical facilities at the former RAF hospital or to access Ely for day-to-day tasks, as shopping or visiting friends and family. I am aware that Councillor Bailey has been in discussions with Officers at the CPCA. Can the leader of the Council please give us an update on what the CPCA is planning to do to restore the service for my residents and the residents of the other wards on this route?”

Response from the Leader, Cllr Anna Bailey:

“Thank you, Cllr Goodearl, for your question. I’ve met with Stagecoach about their proposed changes to the Number 9 service from Littleport to Cambridge, which will see a reduction of 3 buses to 1, the biggest impact for Littleport residents being the loss of most off-peak buses from Littleport to Ely. The changes are due to happen in mid-April. I have met with CPCA Officers about this, and they have agreed to work up a plan and timetable for a service to be tendered by CPCA to work around the operating hours of the reduced Stagecoach service. This will need to be checked for legality and put out to tender. I have also raised the need for ticketing co-operation, if this goes ahead, to ensure that people can use their tickets interchangeably on the two services. I have not yet had any further information back from the CPCA but will keep local members updated when I do. Stagecoach is holding a public meeting at 6.00pm, tomorrow Wednesday 21st February at Ely Museum, so anyone wishing to hear more about the changes to the Number 9 can attend.”

44. **INDEPENDENT REMUNERATION PANEL**

Council considered a report (Y146, previously circulated), detailing the recommendations of the Independent Remuneration Panel (IRP) relating to Members' Allowances.

The Democratic Services Manager read a statement out on behalf of Richard Tyler, Chair of the IRP:

"This is my fourth time on the Panel, having started in 2012, and again well supported by Margaret Clark, Stanley Curtis, and Richard Powell, Again, the impartial advice from Tracy Couper was invaluable. This time we were all very pleased with the response of the Council Members to our questionnaire, which has helped us make an understanding of the work done by them and also their concerns. We also felt that those Councillors who attended our interviews either in person or by zoom set out how they felt thing could be improved. It became quite clear that the reduction in Councillors meant those still there had additional responsibilities. Virtually every Councillor, both new ones and experienced ones, stressed that they had an enormous amount of reading to do when attending committee meetings. The new members, also confirmed by the more senior members, said that every day they were contacted by members of the public in the street etc. sometimes when walking their dogs and even when taking their parents out for a meal. In addition, members of the public do not realise how much work, and the complexity of the work, you all do. I think that all of the new Councillors did not realise how much they had to do and that both political parties need to improve their information to prospective candidates in that regard. You receive less remuneration than other Councils and are doing a fantastic job. I hope you accept out recommendations as I believe the reasons behind all of them are clearly explained. I have enjoyed my time on the Panel but now reaching my eightieth year I will not stand again."

The Chair thanked Richard Tyler for his hard work and dedication over the years.

The recommendations in the report were proposed by Cllr Goldsack and seconded by Cllr Brown. Cllr Dupré commented that Members should accept the recommendations of the Independent Panel as to not accept them would result in Members creating their own scheme; she added that the Panel had listened to the evidence and suggested sensible recommendations that addressed important issues which included trying to make it easier for those with caring responsibilities to take part in public life, which would enable the Council to be truly representative of its residents and therefore the recommendations should be supported.

Cllr Bailey echoed Cllr Dupré's comments and stated it had been a pleasure to work with the IRP Panel Members who understood the Councillors' workload. Cllr Bailey added it was difficult to vote on your own pay, but it was a requirement by law to have the IRP take place every four years, and she was happy to accept the recommendations in full, which included an important

change around caring duties; Cllr Bailey thanked the Panel for their hard work and Richard Tyler for his long service.

Cllr Brown reiterated that the recommendations of the IRP should be accepted and thanked the Panel and Richard Tyler for his service.

It was resolved unanimously that:

1. The recommendations of the IRP at Appendix A to the report be approved, to take effect from 1 April 2024.
2. The IRP comments at paragraph 6.3 to the report be noted.

45. POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS REVIEWS

Council considered a report (Y147, previously circulated), detailing the Polling Districts, Polling Places and Polling Stations review, which was carried out in October 2023, along with a consultation document which set out the Returning Officer's proposals that would be used for future Parliament local and other elections or referendums.

The recommendations in the report were proposed by Cllr Goldsack and seconded by Cllr Brown.

Cllr Colbert asked officers to consider whether there may be alternative venues to the Methodist Chapel in Ely West Ward due to the difficulties in parking and disability access to which the Electoral Services Team Leader stated he was happy to make enquiries. Cllr Hunt congratulated the Electoral Services Team Leader and the Elections Team for covering the finer details that made the elections run smoothly and successfully.

Cllr Dupré quoted from Section 18 2(c) of the Representation of the People Act 1983 which required that a polling place be small enough to indicate to electors how they would be able to reach the polling station, secondly, it was important that the location was consistent, as constant change could reduce voter turnout and thirdly, it would be possible to change a polling station as needed by reference to Council or by delegation to officers. Cllr Dupré requested that Ely North be declared a polling place and asked the Chief Executive to circulate a briefing note to Members on how voters in Ely North would know the location of their polling station, what was being carried out to ensure a consistent polling station was being sought and on what grounds had the more obvious flexibilities been ruled out; the Chief Executive stated that a briefing note would be provided to Members shortly.

Cllr Bailey thanked the Electoral Team for their hard work and the fantastic job they did at the Elections.

It was resolved unanimously that:

- I. The current arrangements for the use of polling district/places/stations for future elections/referendums/polls, except the previous HI3 polling district and the Ely North ward be approved.
- II. Approval be given to the amalgamation of the previous HI3 polling district with the HI1 polling district
- III. The whole of Ely North ward be designated as a polling place, to provide flexibility for the Returning Officer to use any suitable building or area as deemed appropriate for relevant elections/referendums/polls.
- IV. The Returning Officer's use of suitable alternative polling stations should the need arise be approved.

46. MAKING (ADOPTION) OF REACH NEIGHBOURHOOD PLAN

Council considered a report (Y148, previously circulated), advising that, following the successful referendum on 1 February 2024, the Reach Neighbourhood Plan needed to be formally 'made' by East Cambridgeshire District Council and thereby formalised as part of the Development Plan for East Cambridgeshire.

The recommendations in the report were proposed by Cllr Goldsack and seconded by Cllr Cane. Cllr Bailey stated that Reach was a small community and congratulated the residents who had worked hard on the Neighbourhood Plan.

Cllr Cane also thanked the residents of Reach for their work on the Plan, the professional consultants, and the Strategic Planning Manager for his advice during the process. The Neighbourhood Plan would protect Reach's many historical and environmental assets. It contained challenges for the Parish Council to deliver and would be helpful to the Planning Committee, therefore Cllr Cane urged Members to adopt the Plan as part of the Planning process.

Cllr Goldsack explained that Neighbourhood Plans had proven themselves as being critical in ensuring that the local voice was heard within the democracy world. He thanked Nicholas Acklam for attending and presenting at the start of the meeting and commented that Reach was a very special village.

It was resolved unanimously that:

- a) Reach Parish Council be congratulated on its preparation of a Neighbourhood Plan and a successful referendum outcome, becoming the seventh Parish Council to do so in East Cambridgeshire.
- b) The Reach Neighbourhood Plan attached at Appendix 1 to the report is formally made as part of the Development Plan for East Cambridgeshire with immediate effect.

47. PAY POLICY STATEMENT

Council considered a report (Y149, previously circulated), to consider the Council's Pay Policy Statement 2024-25, a requirement under the Localism Act 2011.

The recommendations in the report were proposed by Cllr Sharp and seconded by Cllr Cane.

It was resolved unanimously:

That the 2024-25 Pay Policy Statement be approved and adopted.

48. RECOMMENDATIONS FROM COMMITTEES AND OTHER MEMBER BODIES

Council considered report Y150, previously circulated, detailing recommendations from Committees as follows:

1. Audit Committee – 16 October 2023

a) Risk Management Policy and Framework Update

The Chair of the Audit Committee, Cllr Brown, proposed that the updated Risk Management Policy and Framework documents, as attached at Appendix 1 and 2 to the report, be approved.

The recommendations in the report were proposed by Cllr Brown and seconded by Cllr Petitt.

It was resolved:

That the updated Risk Management Policy and Framework documents at Appendix 1 and 2 to the report be approved.

2. Finance and Assets – 23 November 2023

a) Treasury Operations Mid-Year Review 2023-24

The recommendations in the report were proposed by Cllr Sharp and seconded by Cllr Bodington.

It was resolved:

That the Mid-Year Review of the Council's Treasury Management Strategy for 2023/24 as set out in Appendix 1 of the report be noted.

3. Finance and Assets – 24 January 2024

b) 2024/25 Annual Treasury Management Strategy, Minimum Revenue Provision Policy Statement and Annual Investment Strategy

The recommendations in the report were proposed by Cllr Sharp and seconded by Cllr Bodington.

Cllr Vellacott highlighted that the Council would not borrow externally and had sufficient resources for internal borrowing to finance capital requirements, which was important for the Council to underpin the budget, plus the investment strategy looked to remain prudent as the Council continued to benefit from an inflated interest rate, therefore, he was happy to accept the recommendations.

It was resolved:

That approval be given to:

1. The 2024/25 Treasury Management Strategy.
2. The Annual Investment Strategy.
3. The Minimum Revenue Provision Policy Statement.
4. The Prudential and Treasury Indicators.

c) Bereavement Centre Full Business Case

The recommendations in the report were proposed by Cllr Bailey and seconded by Cllr Vellacott.

The Leader commented that in 2016 the Council held an ambition to build a crematorium to provide a quality service, closer to home and at lower prices for residents. Planning restrictions on crematoria meant that it was not easy to find a site, but the Mepal site became available in 2017 following the closure of the outdoor centre. Cllr Bailey added that the setting was beautiful and had a special atmosphere that the Council believed would support bereaved families. There would be space for quiet reflection, including the lake and other natural assets. It was also a Designated County Wildlife Site where the Council had an opportunity to improve the extensive biodiversity that existed whilst also opening the site for recreational use, such as walking, bird watching and fishing. Cllr Bailey explained that finances were not the motivation, but a positive Business Case meant a low risk for the Council. The Council had worked hard to delivery community infrastructure, including new community centres, a new leisure centre, cycle routes, new and improved roads, and a new theatre in Soham. Over £5.7m had been given to Parish Councils to support their projects. The Council also had significant funds put aside and would continue to provide support for community assets. Cllr Bailey commented that she understood that some Members did not support the proposal but hoped they understood and respected that the Council had worked hard to deliver a high-quality facility that would become a much-loved community asset. Cllr Bailey added her thanks to those that had

been involved in the project, these included the late Jo Brooks, Alistair Merrick, Isabel Edgar, and Sally Bonnett. Cllr Bailey stated she was delighted to support the project.

Cllr Inskip highlighted that the crematorium business plan proposed spending £9m of CIL funds in the northeast of the district which would not be the nearest crematorium for a large number of residents; CIL funds should improve infrastructure, transport, road traffic management, schools, community, sport, and health facilities. Cllr Inskip reminded Members that the Business Case relied on taking a significant amount of business from the crematorium based in March; yet Dignity stated that they would respond to competition by reducing fees. Cllr Inskip summarised by stating that residents did not want the crematorium and the business case was seriously flawed.

Cllr Hunt reminded Members that the Council wanted to provide a facility that was currently not provided for as there was now an 80/20 preference for cremations and population figures had increased resulting in a higher demand for the facility. Cllr Hunt stated he was therefore pleased to support the proposal.

Cllr Huffer expressed the view that funerals currently held in some local facilities were 'soulless'. The new facility was not about money but would give families a place where they could remember their loved ones and therefore, she supported the proposal.

Cllr Dupré stated that a significant number of residents were of the opinion that the crematorium was the wrong proposal, in the wrong place and therefore not wanted. The facility was located close to the March crematorium and relied on taking its business and working closely with Huntingdon crematorium and therefore she would not support the proposal.

Cllr Cane commented that she did not support the proposal as it would be less convenient than local cemeteries. Cllr Cane added that the money should be spent on replacing the outdoor activities across the district and not on competing with an existing crematoria.

Speaking as seconder of the recommendations, Cllr Vellacott commented that residents were vulnerable when dealing with the loss of a loved one and the Council now had an opportunity to help residents through this difficult time and also protect the rich biodiversity of the site. It was unfortunate that Mepal Outdoor Centre had not been a viable leisure facility, but the Council were now able to take action to protect the site instead of leaving it as wasteland. Cllr Vellacott believed the Bereavement Centre would be comfort, solace, and protection when residents needed it most.

Summing up as proposer of the recommendations, Cllr Bailey reminded Members that the old Outdoor Centre was a much-loved local facility, and

residents had an important historical family allegiance to it. The biodiversity and ecology present on the site meant that high impact leisure use now was not possible.

The Chair thanked Members for a dignified debate.

Following a request for a recorded vote, the recommendations were approved with 14 votes in favour, 9 votes against and 0 abstentions:

FOR: (14) Cllrs Ambrose-Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Huffer, Hunt, Lay, Miller, Pettitt, Sharp and Vellacott.

AGAINST: (9) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Trapp, Wade and Wilson

ABSTENTIONS: (0)

It was resolved that:

1. The Full Business Case as detailed in Appendices 1-4 of the report be approved.
2. A community Infrastructure Levy (CIL) allocation up to £9.06m for the capital build be approved.
3. The Director Finance be authorised to secure alternative funding where CIL is not available, in consultation with the Chair of Finance and Assets Committee, as detailed in Section 5 of the report.
4. Provision is secured of a partner to manage fishing rights on the site as set out in Section 4.11 of the report.
5. The future operating model of the Bereavement Centre be approved as set out in Section 4.16 of the report.

49. EAST CAMBRIDGESHIRE STREET SCENE (ECSS) MANAGEMENT FEE

Council considered a report (Y151, previously circulated) concerning a request from East Cambs Street Scene (ECSS) Board, requesting an increase in Management Fee for 2023/24 to meet the additional costs the Company had encountered in year.

The Director Finance explained that ECSS had requested an additional management fee of up to £200k, on an open book arrangement to meet additional costs.

The recommendations in the report were proposed by Cllr Huffer and seconded by Cllr Sharp.

Cllr Huffer reminded Members of the vast improvements in performance made by ECSS over the last year, with the main reason for the current overspend due to staffing costs. Changes had been agreed to the reporting requirements to

give greater transparency and oversight and to enable Members to have greater confidence to deliver a high-quality service, therefore she urged Members to support the recommendations.

Cllr Cane proposed the following amendment which was seconded by Cllr Inskip:

Delete 2.1 and replace with:

2.1 Council notes with grave concern that having requested an additional fee of up to £500,000 in February 2023 and having brought a forecast full year overspend of £80,000 to members' attention in November 2023 ECSS is now requesting an additional fee of up to £200,000 for 2023/24 and:

- approves ECSS carrying forward the overspend into 2024/25.
- requires the Directors of ECSS to provide 18 month rolling management accounts to the ECDC s151 Officer by the 10th working day after each month end.
- instructs the external auditors for ECSS to review the governance and controls in the company and report to shareholders, detailing any weaknesses and recommendations for improvements to ensure delivery of agreed service levels on waste collection and street cleaning and sound financial management; and
- requires that a report be provided to Full Council on 25 July reporting on the results of the above so that Council can decide whether to increase the fee for 2024/25 to cover the 2023/24 overspend brought forward.

Speaking as proposer of the Amendment, Cllr Cane acknowledged that ECSS delivered a vital service to residents that was valued by residents. Cllr Cane suggested there had been a failure of governance from ECDC and a failure of financial management by ECSS, with Audit Committee failing to identify the issues and the Council now faced a further request for an increased fee of £200k at the end of the financial year, followed by a further request of £1m for the next year. Concerns had been raised by both Cllr Cane and Inskip regarding the low risk allocated to ECSS, but assurances were given that it was correct. Last year, a request had been made for audit reviews and Director assurances, but this had been rejected. Cllr Cane was of the opinion that ECSS had not delivered the agreed service levels or addressed any of the issues raised. Cllr Cane explained that the amendment would allow ECSS to carry forward the 2023/24 overspend, required forward monthly reporting to the Section 151 Officer and requested an external audit review be carried out with the result enabling a decision to be made on whether to increase the 2024/25 to cover the overspend from 2023/24.

The Chair opened the debate on the amendment.

The Leader refuted the statements made above and that she could not support the amendment. Last year ECSS had dealt with several issues, but these had been resolved resulting in improved performance. Cllr Bailey stated that ECSS services could not be cut as this would directly impact on residents, therefore the increased management fee should be supported. All Councils had seen an increase in costs and experienced overspends. External Audit had stated that ECSS was in a good financial position with management accounts submitted to the Board and received by all Members and therefore the amendment was unnecessary. ECSS required certainty to be able to deliver the service and Cllr Bailey was happy to support the increase in management fee, especially with the future separate food waste collection service that would be implemented by 2026. East Cambs had the best recycling rate in the County and was ranked 25th in the country.

Cllr Sharp explained that the ECSS Business Case would be submitted to the Operational Services Committee in March and to delay this would result in ECSS going into 2024/25 without an agreed business plan. Cllr Sharp commented that he could not support the amendment.

Cllr Wade expressed the view that there had been a misrepresentation regarding the request for increased funds, the issue laid with a late notice period and that good financial management principles had not been followed.

Speaking as seconder of the amendment, Cllr Inskip stated concerns had been raised regarding sound financial management, due to basic practices not being followed such as failing to incorporate funding for timetabled bank holidays and adequately assess appropriate levels of funding for agency staff.

Summing up as proposer of the original Motion, Cllr Huffer explained that relevant officers from ECSS had attended the recent Operational Services Committee to answer questions. Cllr Huffer added that the staff salary award had been made in November 2023 and the January Operational Service meeting was delayed in order for the ECSS Board minutes to be submitted to that meeting. ECSS was now a much-improved service, with a better management structure and a great team and Cllr Huffer encouraged the Council to support them.

Following a request for a recorded vote, the Amendment was lost with 9 votes in favour, 14 votes against and 0 abstentions:

FOR: (9) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Trapp, Wade and Wilson

AGAINST: (14) Cllrs Ambrose-Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Huffer, Hunt, Lay, Miller, Pettitt, Sharp and Vellacott.

ABSTENTIONS: (0)

Returning to the substantive motion, Cllr Vellacott explained that ECSS was not run for profit but at a minimum cost to taxpayers and, with only one contract with the Council, had no other option but to ask Council for an increase in management fees. Members were already aware of these issues as ECSS Board papers were included within the Operational Committee Agenda where no concerns or questions had been raised. Cllr Vellacott urged Members to look for solutions as the performance reports showed the service was good and improving.

Cllr Hunt added that what was wanted by the Council and residents was a good and reliable service and not added bureaucracy and therefore he supported the Motion.

Cllr Cane was concerned to hear management accounts described as bureaucracy; ECSS had overspent by nearly £500k the previous year, and by nearly £200k this year, without informing Members of the final figures until February. It was Cllr Cane's opinion that the management accounts should be reviewed monthly, and it was not good financial management to carry this out just quarterly. Cllr Cane was concerned by the statement that the audit processes had given ECSS a 'clean bill of health' and found no problems with governance, when the report only evidenced that no significant fraud or misstatement had taken place. This was why a specific report had been requested.

Speaking as seconder of the Motion, Cllr Sharp reiterated three reasons for the increase; the NJC pay award was above what was budgeted for, agency costs had been overspent in order to continue delivering the service and the maintenance costs of an aging fleet of vehicles. ECSS now had ten new vehicles which would cost much less to run. Cllr Sharp explained that within an audit report, comments were made on the going concern of a company and give a true and fair view whether the company would be able to continue until the next balance sheet date. As an Observer on the Board, Cllr Sharp confirmed he had asked questions about the accounts and there was a stringent review of the accounts in place. Therefore, he supported the recommendations.

Summing up as proposer of the original Motion, Cllr Huffer stated that Members needed to approve the Motion to ensure that the Waste service could continue.

Following a request for a recorded vote, the recommendations were approved with 14 votes in favour, 9 votes against and 0 abstentions:

FOR: (14) Cllrs Ambrose-Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Huffer, Hunt, Lay, Miller, Pettitt, Sharp and Vellacott.

AGAINST: (9) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Trapp, Wade and Wilson

ABSTENTIONS: (0)

It was resolved that:

1. An additional management fee payment to ECSS in 2023/24 of up to £200,000 be approved.
2. The Director, Finance be authorised to make the payment, of up to £200,000, based upon an open book accounting approach, at the end of the financial year.

50. EAST CAMBRIDGESHIRE TRADING COMPANY (ECTC) – LOAN DEADLINE EXTENSION REQUEST

Council considered (Y152, previously circulated) concerning a request from East Cambs Street Scene (ECSS) Board, for an extension to the loan repayment deadline from March 2026 to March 2027.

The Director, Finance explained that due to delays in the NHS handing over land at the MoD site, ECTC would no longer be able to complete works within the timetabled forecast. Members were therefore asked to extend the period of the loan facility by 12 months, to March 2027, to allow the works to be completed before the loan facility needed to be repaid.

The recommendations in the report were proposed by Cllr Bailey and seconded by Cllr Sharp.

The Leader explained she was pleased to propose the request to extend the date of repayment of the loan from ECDC to ECTC. The need for this has arisen because the NHS at the Princess of Wales Hospital needed to use ECTC's land for temporary parking for longer than originally anticipated. ECTC and the Council wished to continue to support the NHS in their endeavours to improve facilities at the Hospital site and this meant delaying the start of the Council's plans for new homes on the MoD site, hence the need to extend the timing of the loan.

It was unanimously resolved that:

- i) The ECTC request for the loan repayment extension from March 2026 to March 2027, subject to the conditions set out in paragraph 4.4 of the report be approved.
- ii) The Director Finance and Director Legal be authorised to amend the Loan Agreement and Debenture Agreement to implement the above.

7.55pm – 8:10pm the meeting was briefly adjourned for a comfort break.

51. **COUNCIL TAX, REVENUE AND CAPITAL BUDGETS**

Council considered the proposed revenue budget, capital strategy, and the required level of Council Tax in 2024/25. The report assesses the robustness of the budgets, the adequacy of reserves and updates the Council's Medium Term Financial Strategy (MTFS).

The Director, Finance presented the report and explained when the draft budget was presented at the Finance and Assets Committee in January, the Council was still awaiting the local government finance settlement figure and the business rate information; these figures were now included in the report. Several additional changes also had been made, which included the capital and revenue costs of the crematorium project, increased car parking fees at Angel Drove and increased Members' allowances following the Independent Remuneration Panel report. The updated information, especially the business rates, had made a positive impact from the position reported to the Finance & Assets Committee. The Council, via the use of the Surplus Saving Reserve had a balanced budget for 2024/25 and 2025/26 and therefore there was no need to make any immediate changes to service delivery. However, the Council did continue to have significant savings requirements in years three and four of the MTFS and therefore consideration was needed as to how the gap would be bridged in order to achieve a balanced budget.

The Chair thanked the Director, Finance for the hard work required to produce the budget.

The recommendations in the report were proposed by Cllr Bailey and seconded by Cllr Huffer.

The Leader stated the Council was one of only 38 Councils out of 381 nationally that had no external borrowing and was the only District, County or Unitary authority in the country proposing to freeze Council Tax for the eleventh year in a row, when many Councils were increasing their Council tax by the maximum amount possible. East Cambridgeshire had a balanced budget for the next two years, with no cuts or efficiency targets built in and a staff establishment budgeted in full and significant additional funding for waste service, inflation, environmental improvements, and a new fleet of vehicles. The Council would be implementing a separate weekly food waste collection after receiving capital and revenue funding from the government. This would allow the Council to redesign the waste and recycling around the new service and funding had been factored into the budget for black wheelie bins; this would further increase the Council's recycling rate. Funding had also been received to help with the new Local Plan, to increase the Internal Drainage Boards, a new Council website and financing for ECTC for the Eden Square development. There were no assumptions of dividends from ECTC, but significant benefits had been received (income from Ely Markets, reduction in costs of maintaining parks and open spaces through income, interest payments, income from property activity). The Council had unearmarked reserves at 10% which was higher than many other local authorities. Cllr Bailey thanked Officers for their careful

management of local tax payer's funds and urged all Members to support the recommendations.

Cllr Dupré proposed the following amendment which was seconded by Cllr Cane:

To approve:

- i) The formal Council Tax Resolution which calculates the Council Tax requirement as set out in Appendix 1
- ii) The draft revenue budget for 2024/25 and MTFs for 2025/26 to 2027/28 as set out in Appendices 2(a) and 2(b) – LibDem, specifically to reflect the following proposals:
 - To remove the capital cost and all future revenue streams in relation to the Crematorium project
 - To fund the initial capital cost (£600,000) and then on-going revenue costs to implement Civil Parking Enforcement (CPE) within the District (£40,000 in 2025/26 and future years) (Capital cost to be funded £400,000 from CIL and £200,000 from a revenue contribution)
 - To increase the Environment Fund from £100,000 to £200,000 per year
 - To fund an officer to assist local parish councils and community groups to source grant funding from third parties and provide additional grant funding to these groups (total cost £100,000)
 - To build in a (£400,000) turnover allowance on staff costs in recognition that there will be staff vacancies throughout the year
- iii) A Council Tax freeze in 2024/25
- iv) The draft Statement of Reserves as set out in Appendix 3 - LibDem
- v) The draft Capital Strategy and financing as set out in Appendix 4 - LibDem
- vi) The 2024/25 Fees and Charges as set out in Appendix 5
- vii) The extension of the Retail, Hospitality and Leisure 75% Business Rate relief (and potentially other reliefs) (which will be fully funded by the Government through Section 31) as detailed in Sections 6.6 to 6.8 of this report.

Cllr Dupré highlighted that the amendment would remove funding from the crematorium, which would release £9m to enhance East Cambridgeshire and remove the legal and financial risks associated with the project. It also allowed the Council to pursue proper parking enforcement and doubled the funding for environmental activity. Further funding would increase the opportunity for match-funding, shared projects, cross council initiatives, promotional activities and partnership working. A new officer would be funded to advise and support parish councils and community groups on funding opportunities, submitting bids, along with a residual amount for small grants; this would be funded

through setting a prudent expectation of savings in vacant council posts. An increase was not proposed in the District portion of the Council Tax.

Cllr Vellacott raised a Point of Order stating that the amendment proposed to negate a decision of Council made earlier in the meeting in relation to the crematorium project and therefore asked if the amendment was valid.

8:20pm – 8:45pm the meeting was adjourned for the Chair to seek advice from the Officers.

On returning, the Chief Executive explained that Council was in an unusual position, as the opposition had submitted an amendment in good faith and had not presumed the outcome of the crematorium vote. The Council was now in a position where Members had approved the crematorium item, but both parties wished to facilitate a full discussion of the amendment and the motion. For this to take place, two thirds of Members would need to vote to suspend Council Procedure Rule 20 on Recission of Preceding Resolution; this would allow the Council to proceed with debate of the amendment and the motion.

A Motion to suspend Council Procedure Rule 20 for the duration of this item was proposed by Cllr Bailey and seconded by Cllr Dupré and approved unanimously.

The Chair then resumed the debate on the amendment.

Cllr Hunt commented that Members should be fully aware of what the amendment implied in relation to Civil Parking Enforcement, as he understood that the Council would have to add all the road lines and signs to ensure the parking scheme was in a legal state prior to implementation, which would be costly.

Cllr Trapp added that Soham was of a similar size to Mildenhall and Mildenhall received approximately £20k in fines annually from the Civil Parking Enforcement carried out; therefore, it was worth considering as the Council would receive money from the fines and it would improve parking in Soham, Ely, Bottisham and elsewhere in the district.

Cllr Inskip highlighted two aspects of the amendment: tackling the climate emergency and responding to residents' concerns about parking enforcement and explained it was these key reasons why he supported the amendment.

Cllr Wilson added that parking was a problem across the whole district. He believed that the signs and road lines needed to be clearer in order for residents to know how and where to park. Cllr Wilson emphasised that helping Parish Councils and Community Groups to source grant funding would be beneficial to smaller parishes and community groups and this would provide better facilities for local residents.

Cllr Sharp explained the amendment effectively proposed a £400k increase in expenditure; as it increased funding for Parish Councils by £100k, the environment fund by £100k, and £200k on Civil Parking Enforcement. Cllr Sharp was of the opinion that good accounting practices had been distorted to achieve the extra funding by proposing a vacancy factor and he did not agree with this from an accounting point of view. Cllr Sharp recalled that other local authorities had decided to carry out Civil Parking Enforcement in 2021 and were still working towards implementation, due to the hidden costs; he did not consider this was the way forward for this District. Cllr Sharp agreed with Cllr Wilson's comments that there was a need to help Parish Councils to source grant funding but did not believe that a fund of £100K was required for this purpose.

Speaking as seconder of the amendment, Cllr Cane reiterated that parking was a problem within the District and residents were fed up with waiting for action to be taken. The enforcement was not meant as an income source but as a service to residents and to make the roads safer. The Council had recognised a climate emergency in 2019 and there was a need to act on it to address the problem. Voluntary Groups should be provided with dedicated support to access grants, and this would also help with match funding. The cost of providing these services would be funded through a vacancy factor and Cllr Cane commended the amendment to Members.

Summing up as proposer of the original Motion, Cllr Bailey stated it was pleasing to know that the opposition supported the Council Tax freeze, but it was disappointing that they wanted to increase the budget funding in year four. The amendment required building in £400k via a vacancy factor which she did not consider was appropriate. Cllr Bailey explained that CIL was meant for community infrastructure and not for maintaining lines and signs on highways, which could cost up to £1m, plus the cost of enforcement activity across the district would be approximately £50k; and expressed her belief that free parking was totally incompatible with Civil Parking Enforcement. The Amendment did not state what the additional £100k would be spent on for the Environment Fund. The Council's Environment Plan was already well evidenced and showed the Council reaching net zero by 2036, which was well ahead of many Councils. Cllr Bailey informed Members that she had lobbied the CPCA to provide £50k to fund activity relating to the Council's new biodiversity responsibilities and this was included in the budget. The Council also already had a team that provided help and support to Parish Councils and community groups to source grant funding, and they had no restriction on how they spent their CIL funds (£5.7m to date).

Following a request for a recorded vote, the Amendment was lost with 9 votes in favour, 14 votes against and 0 abstentions:

FOR: (9) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Trapp, Wade and Wilson

AGAINST: (14) Cllrs Ambrose-Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Huffer, Hunt, Lay, Miller, Pettitt, Sharp and Vellacott.

ABSTENTIONS: (0)

Returning to the substantive motion, Cllr Vellacott explained that the Council could justify its revenue, capital budgets and reserves and successfully balanced the budget two years in advance whilst keeping car parking free, charges low and providing services of a high quality. Surplus savings were utilised from previous years, leaving all other reserves intact for other projects. Cllr Vellacott thanked Council Officers as Council Tax was not being raised for the eleventh year in a row without compromising the delivery of excellent services and therefore, he supported the recommendations.

Cllr Dupré stated that she did not support the budget due to the spending of £9m on a crematorium, the ongoing problem of illegal parking and the under resourcing of action on the environment. She expressed the belief that residents deserved better.

Cllr Sharp commended the budget to the Council, as it was a responsible and prudent approach.

Speaking as seconder of the Motion, Cllr Huffer highlighted the positive points of the budget: balanced budget, no external borrowing, wheelie bins, weekly food collection, new Local Plan. She added that Civil Parking Enforcement would not work in the District.

Summing up as proposer of the original Motion, Cllr Bailey commented that the Police had agreed to carry out a Road Safety pilot in the District, creating new roles using Special Constables that would be called Road Safety Police Volunteers. Duties would include speeding enforcement, driver education activities and visiting schools, plus dangerous car parking enforcement action and, if the pilot was successful, it could be rolled out further. Cllr Bailey was proud of the budget and urged Members to support the recommendations.

Following a request for a recorded vote, the recommendations were approved with 14 votes in favour, 9 votes against and 0 abstentions:

FOR: (14) Cllrs Ambrose-Smith, Bailey, Brown, Bovingdon, Edwards, Goldsack, Goodearl, Huffer, Hunt, Lay, Miller, Pettitt, Sharp and Vellacott.

AGAINST: (9) Cllrs Akinwale, Cane, Colbert, Dupré, Holtzmann, Inskip, Trapp, Wade and Wilson.

ABSTENTIONS: (0)

It was resolved:

That approval be given to:

- i) The formal Council Tax Resolution which calculated the Council Tax requirement, as set out in Appendix 1 of the report.
- ii) The draft revenue budget for 2024/25 and MTFs for 2025/26 to 2027/28, as set out in Appendices 2a and 2b of the report.
- iii) A Council Tax freeze in 2024/25.
- iv) The Statement of Reserves, as set out in Appendix 3 of the report.
- v) The Capital Strategy and financing, as set out in Appendix 4 of the report.
- vi) The 2024/25 Fees and Charges, as set out in Appendix 5 of the report.
- vii) The extension of the Retail, Hospitality and Leisure 75% Business Rate relief (and potentially other reliefs) (which would be fully funded by the Government through Section 31 grants), as detailed in Sections 6.6 to 6.8 of the report.

At 9:23pm Cllr Wade left the meeting and did not return.

52. CONSTITUTIONAL REVIEW WORKING PARTY REPORT

Council considered the report and recommendations of the Constitution Review Working Party .

A motion was proposed by Cllr Bailey and seconded by Cllr Pettitt as detailed in Appendix B of the submitted report.

Cllr Bailey thanked the Working Party and Officers for their work in carrying out the review and stated that the administration had worked through the proposed changes to the Constitution and made the recommendations in Appendix B to the report, which were submitted to the Working Group's final meeting. Cllr Bailey highlighted the key changes:

- The appointment of a new Lay Member to the Audit Committee would enable the Council to get ahead of proposed good practice changes
- Clarification on how the Audit Committee could request the attendance of Officers, via a resolution of the Committee.
- The move of ICT and the Environment Plan to Finance & Assets to improve the balance of responsibilities of the two policy Committees without additional cost and bureaucracy.
- Retention of the changes made by the administration a few years ago for the right of Members of the Public and Members of the Council to be

able to ask questions of any Member of the Council as it delivered maximum openness, transparency, and accountability.

- The adoption of the LGA model Code of Conduct, which would help bring consistency across Cambridgeshire.

Cllr Dupré proposed an amendment (attached at appendix 1 to the Minutes) together with supporting appendices, which was seconded by Cllr Cane.

Cllr Dupré commented that she had enjoyed the collaborative working on the Constitution Review Working Party and thanked the Chair and Members of the Working Party. The opposition had considered and deliberated upon the report, with the finding/recommendations falling into three categories; the issues agreed, those deferred to Council and the issues that were agreed by the Liberal Democrat but overturned by the Conservative group. The issues agreed were to remove gender language, a threshold for officer delegation to determine grants, the advance submission of questions, the adoption of the LGA Model Code of Conduct for Councillors and other minor matters. Those issues not agreed upon were the establishment of an additional policy committee, and changes to the Audit Committee. The items that were agreed within the Working Group but were now not put forward for approval were that procuring agency staff should not be exempt from contract procedural rules and that questions from both Members and the Public should be directed only to Councillors responsible for the running of and decisions made by the authority. The Amendment took a clear view on the issues the Working Group agreed to refer to Council and sought to restore the unanimous recommendations agreed by those in the Working Party. The amendment also sought to establish an Audit Committee capable of functioning effectively and to establish an additional Policy Committee to tackle planning, climate, and environmental issues

Cllr Hunt was of the opinion that if a Member had a problem or wanted to understand an issue, then they should speak directly to the relevant officer rather than asking questions in public meetings.

Cllr Trapp stated that he had been a Member of the Working Group and thanked the Chair for his work. He was surprised that recommendations made unanimously by the Working Group were being changed.

Speaking as seconder of the amendment, Cllr Cane stated she had been concerned with how the Audit Committee operated and that it was the Chartered Institute of Public Finance (CIPFA) recommendation that particular officers attend Audit Committee, two Lay Members be appointed to the Audit Committee, that a period of two years lapse before a Chair or Vice Chair of a Policy Committee be a member of the Audit Committee, for Officers and lead Members attend where appropriate and for Audit Committee to recommend the Statement of Accounts to Council and not approve it, as it was for all Members to decide if the accounts were true and fair.

Summing up as proposer of the original Motion, Cllr Bailey stated that there was much common ground between the motion and Working Group recommendations. She explained that the reason the Motion supported the

Officers' request regarding the contract procedure rules and agency staff exemption was because Officers needed to recruit the right people with the right skills in a timely manner without the delays of going through contract procedure rules and procurement. The Section 151 Officer had been asked to implement safeguards around the process to ensure that Officers signed-off the requests. Cllr Bailey added that she felt strongly regarding the public being able to hold all Members to account and if Members were concerned or anxious, then a written answer could be given later. Cllr Bailey emphasised that the Audit Committee was not a Scrutiny Committee as the Council ran a Committee System which was inclusive for all Members to take part, with scrutiny happening in Committees. The motion would also provide for Officers to be called to Audit Committee by resolution. Cllr Bailey stated that she could not support the amendment.

Upon being put to the vote, the amendment was declared to be lost.

Speaking on the Motion, Cllr Dupré believed that the Finance & Assets Committee would be overburdened with the extra business and expressed disappointment that Members of the Finance & Assets Committee would continue to be excluded from membership of the Audit Committee. Cllr Dupré also believed that it was an abuse of time and resources to use Council Question Time to quiz Members about matters that did not involve Council, these should be addressed to Members' directly. For the Audit Committee to be effective, it needed routine attendance from Officers and Members who were responsible for decisions of the Council, committees, and trading companies. Cllr Dupré stated she could not support the Motion.

Cllr Cane added that she also could not support the Motion and was concerned that just one Lay Member would be appointed to the Audit Committee. The procedure of Officers attending Audit Committee via resolution would be impractical. The added responsibilities now directed to the Finance & Assets Committee would overburden the Committee and could reduce the time available for important issues to be discussed. Cllr Cane also was concerned with the change in contract procedure rules which did not improve the transparency and accountability of the process and was disappointed that the Working Group which had worked well had not been allowed to present its unanimous decisions to Council.

Cllr Sharp raised three points:

- Cambridgeshire County Council only had one Lay Member on its Audit and Accounts Committee which worked well.
- At the last Operational Services Committee there had been an opportunity for Members to ask questions on the management accounts and management report.
- gave assurance that Finance & Assets Committee would thoroughly look at every item notwithstanding the additional responsibilities.

Speaking as seconder of the Motion, Cllr Pettitt stated it was important that the Public had the ability to ask any Member a question to hold them to account and to be heard. The recommendations improved the Audit Committee as an

independent non-voting member would be a welcome addition and the Committee could request the attendance of additional officers by resolution. The amendments to the recommendations were a compromise and a commitment to express openness and accountability which Cllr Pettitt supported.

Summing up as proposer of the original Motion, Cllr Bailey commented that the Working Party had not agreed unanimously, there were areas where there had been no agreement. Questions to Members gave the Public the right to question Members in a public forum.

Upon being put to the vote, the motion was carried.

It was resolved that:

- (i) The annotated version of Council Procedure rules (Appendix B1) be approved, confirming:
 - that non-gender specific language should be used throughout the Constitution and specifically, that the preferred title should be 'Chair' rather than Chairman.
 - the deletion of paragraph 24.2.4.4 (ref: 4(21)) requiring one day's notice for the appointment of substitutes to Planning Committee.
 - amend paragraph 13.1.2 (ref: 4(14)), specifically to remove the Chairman of Council from the process to assess Questions from Members.
 - that a point of clarification must be confined to same material part of a previous speech by him/her in meeting taking place (ref: paragraph 17.1 (ref: 4 (16))).
- (ii) The changes to the Constitution of the Council's Audit Committee be approved as set out In Appendix B1a and the 'modus operandi', specifically:
 - the appointment of one lay member without voting rights to the Committee.
 - clarification on the attendance of officers at Audit Committee, specifically, and in addition to the lead officer, report author and those required by the Constitution to attend in addition, an appropriate officer can be instructed to attend, by Committee resolution, in relation to a specified current or future agenda item.
- (iii) The guidance to members be amended in relation to the submission of written questions to officers, specifically to request that written questions to officers be provided at least two working days in advance of a meeting.

- (iv) The financial regulations be amended (ref: Part 4 paragraph 6.2 p 4(30)), specifically to read:

“Scene Setting

The Finance & Assets Committee will receive a report to its September meeting, updating Committee with changes since the budget was approved in February and providing initial indications of how the future year’s budget will be constructed in advance of this being formally considered by Committee the following January. The Director, Finance will further share this report with all members of the Council.”

- (v) The changes to the Contract Procedure Rules be approved (ref: Part 4 paragraph 3.1.6 p.4 (75)), specifically to add contracts for agency staff as exempt.
- (vi) The changes to the Responsibility of Functions of the Constitution be approved, in relation to Operational Services and Finance & Assets Committee, specifically:
- ICT service plans and associated policy matters (ref: Part 3 section b(i) p3 (6- 13) be transferred from Operational Services to Finance & Assets Committee.
 - Council’s Environment Plan and all climate change/natural environment strategic matters be transferred from Operational Services to Finance & Assets Committee (ref: Part 3).
- (vii) The addendum to the Delegation to Officers be approved in relation to Finance & Assets Committee (ref: Part 3 Section B (ii)), specifically:

Grants Determination of all grant requests under established grant schemes up to £50,000	Director, Community
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- (viii) The amendments (tracked below) to the Delegation of Officers be approved in relation to Finance & Assets Committee (ref: Part 3 Section B (ii), specifically, ~~as set out in Appendix 2.~~

To write off NNDR debt not exceeding £10,000 (Ref: Part 3 (ii) p 3(20))	Head of ARP or Operations Managers Head of NNDR, Recovery and Enforcement or Head of Benefits and Council Tax Billing With ARP, Operations Managers Revenues Recovery Managers write off debts below
--	--

	£1500 and Recovery—Team Managers Revenues and NNDR Team Leaders—or Senior Recovery Officer to write-off debts below £100 £150.
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To write off Council Tax and Housing Benefit overpayments debt not exceeding £5000.	Head of ARP or Operations Managers Head of NNDR, Recovery and Enforcement or Head of Benefits and Council Tax Billing With ARP, Operations Managers Revenues Recovery Managers write off debts below £1500 and Recovery Team Managers Revenues and NNDR Team Leaders or Senior Recovery Officer to write-off debts below £100 £150.
To write off any individual debt which does not exceed £1000 £3000, after consultation with the Director, Legal, after ensuring that all action for recovery has been taken.	Director, Finance

- (ix) The LGA Model Code of Conduct be adopted, together with a blanket policy to withhold the home address of Councillors, with Members having to 'opt in' to publish.

53. CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY UPDATE REPORT

Council received the reports (previously circulated) from the Combined Authority's:

- Skills and Employment Committee (4 September, 6 November 2023 & 15 January 2024)
- Transport and Infrastructure Committee (13 September, 15 November 2023 & 17 January 2024)
- Audit and Governance Committee (8 September, 17 November 2023 & 26 January 2024)
- Audit and Governance Sub Committee (14 November 2023)
- Environment and Sustainable Communities Committee (11 September, 13 November 2023 & 22 January 2024)
- Overview and Scrutiny Committee (18 September 2023 & 9 January, 29 January 2024)

- Human Resources Committee (27 September 2023, 16 November 2023)
- Board (20 September, 13 November 2023 & 15 January, 31 January 2024)

It was resolved unanimously:

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

54. ACTIONS TAKEN ON THE GROUNDS OF URGENCY

Council considered a report (Y155 previously circulated) to note the action taken on the grounds of urgency in relation changes to the ECTC and ECSS Boards of Directors (Implementation 1 November 2023).

It was unanimously resolved:

The action taken on the grounds of urgency be noted.

The meeting concluded at 21:54pm

Chair.....

Date.....

LEADER AND DEPUTY LEADER OF THE COUNCIL, GROUP LEADERS AND DEPUTIES

Committee: Annual Council
Date: 23 May 2024
Author: Democratic Services Manager
Report No: Z1

Contact Officer:
Tracy Couper, Democratic Services Manager and Deputy Monitoring Officer
tracy.couper@eastcambs.gov.uk , 01353 616278, Room 214B, The Grange, Ely

1.0 ISSUE

1.1. To receive details of the Leader and Deputy Leader of the Council and Group Leaders and Deputies for the forthcoming year.

2.0 RECOMMENDATION(S)

2.1. That the details of the Leader and Deputy Leader of the Council and Group Leaders and Deputies for the forthcoming municipal year, as reported at the Annual Council meeting be noted.

3.0 BACKGROUND/OPTIONS

3.1. The Council's declared Political Groups and their Leaders and Deputies are as follows:

<u>Conservative</u>	<u>Liberal Democrat</u>
Anna Bailey (Leader)	Lorna Dupré (Leader)
Julia Huffer (Deputy)	Charlotte Cane (Deputy)

3.2. In accordance with Article 2.03(b) of the Council Constitution, the declared Leader of the Council is Councillor Anna Bailey as Leader of the Conservative Group. In accordance with Article 2.03(c) of the Council Constitution, the declared Deputy Leader of the Council is Councillor Julia Huffer as Deputy Leader of the Conservative Group.

4.0 APPENDICES

None

Background Documents

None

POLITICAL PROPORTIONALITY

Committee: Annual Council
Date: 23 May 2024
Author: Democratic Services Manager
Report No: Z2

Contact Officer:
Tracy Couper, Democratic Services Manager and Deputy Monitoring Officer
tracy.couper@eastcambs.gov.uk , 01353 616278, Room 214B, The Grange, Ely

1.0 ISSUE

1.1. To receive details of the political balance of the Council and the implications for the allocation of seats on Committees, Sub-Committees and other Member Bodies.

2.0 RECOMMENDATION(S)

2.1. That Council notes the details of the political balance of the Council as set out in Appendix 1 and approves the allocation of seats on Committees, Sub-Committees and other Member Bodies as detailed, or agrees an alternative (on a Nem Con basis, if necessary).

3.0 BACKGROUND/OPTIONS

- 3.1. Attached at Appendix 1 is a table showing the allocation of places on Committees, Sub-Committees and other Member Bodies in accordance with the requirements of the proportionality rules. Under Section 15(5)(a) of the Local Government and Housing Act 1989 (see below), all seats on a Committee/Sub-Committee cannot be allocated to the same Political Group. Since Councillor Ross Trent has elected to join the Liberal Democrat Group following the Ely West By-Election on 18 April 2024, the calculations remain unchanged from last year.
- 3.2. Group Leaders have been advised of the number of places available on each Committee to be filled by their Groups, and of any necessary adjustments to be made between the political Groups in their overall seat allocations.
- 3.3. At the Annual Council meeting held on 14 May 2013, the dissolution of the Council's Scrutiny Committee was approved. Similarly, the revised Committee structures approved by the Council on 15 April 2014, 11 April 2017, 11 April 2019, 23 February 2021 and 20 February 2024 did not include a Scrutiny Committee.
- 3.4. Agenda Item 15 deals with the appointments to be made to fill those places on Committees and other Member bodies.

4.0 THE LOCAL GOVERNMENT AND HOUSING ACT 1989

4.1. Section 15(5) of the Act sets down the principles for the allocation of seats on Committees between the political Groups on the Council. The principles are applied in sequence and provide a safeguard to enable any distortion caused by rounding up or down to be remedied. The principles require, in effect, that:

- (a) all seats are not allocated to the same political Group.
- (b) the majority of seats are allocated to the political Group having a majority of the authority's membership.
- (c) subject to (a) and (b) above, the number of seats on the TOTAL of all committees allocated to a political Group bears the same proportion as the proportion of the seats held on full Council (this principle allows any accumulated distortion caused by rounding up or down in (d) below to be remedied).
- (d) subject to (a) to (c) above, the number of seats on each Committee allocated to a political Group bears the same proportion to the proportion on full Council.

4.2 The effect of rounding up or down across the overall number of seats to be allocated on Committees can be quite significant which is why the principles explicitly provide for any distortion to be rectified

5.0 APPENDICES

Appendix 1 – Proportionality calculations & allocation of places on Committees, Sub-Committees

Background Documents

Local Government and Housing Act 1989 (Section 15)

Local Government (Committees and Political Groups) Regulations 1990

POLITICAL PROPORTIONALITY

28 Members aligned to Political Groups

28 aligned Members – 67 seats: 1 Member = 2.393 seats

PARTY	NO. OF COUNCILLORS	PROPORTION OF TOTAL			
Conservative	15	53.571%			
Liberal Democrat	13	46.429%			
	28	100%			
BODY	TOTAL MEMBERS ON BODY	CONSERVATIVE [proportion of seats: 53.571%]		LIBERAL DEMOCRAT [proportion of seats: 46.429%]	
Full Council	28	15	15	13	13
Finance & Assets	11	5.893	6	5.107	5
Operational Services	11	5.893	6	5.107	5
Audit	5	2.679	3	2.321	2
Others:					
Licensing	11	5.893	6	5.107	5
Planning	11	5.893	6	5.107	5
F&A (Ethical Governance) Sub-Cttee	7	3.750	4	3.250	3
Licensing (Non-Statutory) Sub-Cttee	5	2.679	3	2.321	2
Licensing (Statutory) Sub- Cttee	3	1.607	2	1.393	1
Personnel Appeals Sub	3	1.607	2	1.393	1
Total Seats on ordinary committees under strict proportionality	67	35.893	38	31.107	29
Total Seats	67	38		29	(SEE NOTE BELOW)

Notes:

Under Section 15(5) of the Local Government (Committees & Political Groups) Regulations 1990, the majority of seats allocated to a Political Group on Committees, etc, must bear the same proportion to the seats held on full Council.

Proportionality does not apply to Anglia Revenues Partnership Joint Committee.

	Total Members on Body	Conservative	Liberal Democrat
Anglia Revenues Partnership Joint Committee	1	1	0

MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES (INCLUDING SUBSTITUTES) AND OTHER MEMBER BODIES 2024/25

Committee: Annual Council
Date: 23 May 2024
Author: Democratic Services Manager
Report No: Z3

Contact Officer:
Tracy Couper, Democratic Services Manager and Deputy Monitoring Officer
tracy.couper@eastcambs.gov.uk , 01353 616278, Room 214B, The Grange, Ely

1.0 ISSUE

1.1. To consider the appointment of Members and substitutes to Committees, Sub-Committees and to other Member bodies for 2024/25.

2.0 RECOMMENDATION(S)

2.1. That Council approves the membership of Committees, Sub-Committees and other Member bodies for 2024/25 attached at Appendix 1.

2.2. That Council consider and approve the appointment of a Lay Member of the Audit Committee.

3.0 BACKGROUND/OPTIONS

3.1. A list of Committees, Sub-Committees and other Member bodies for 2024/25 is set out in Appendix 1, reflecting the Committee re-structuring approved at the Council meeting on 23 February 2021. A number of Sub-Committees and other informal Member bodies have been established by the relevant Committees and those continuing in 2024/25 will be re-appointed to at the 'mini meetings' of Committees that follow this Council meeting.

3.2. Group Leaders have been advised of the number of places available to be filled by their respective Groups on each body under the rules relating to proportionality (see also Agenda Item).

4.0 APPOINTMENT OF LAY MEMBER OF AUDIT COMMITTEE

4.1 At the meeting of the Council held on 20 February 2024, approval was given to the appointment of a Lay Member of the Audit Committee as part of the Constitutional review.

4.2 A recruitment process is currently being undertaken by the three Statutory Officers of the Council, with interviews scheduled for 14 May 2024. Council is required to approve any appointment. Therefore, the Director Finance will report to this meeting on the outcome of the process and any recommended appointment.

5.0 APPENDICES

Appendix 1 - List of Membership of Committees, Sub-Committees and other Member bodies

Background Documents

ECDC Constitution

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2024/25

FINANCE & ASSETS COMMITTEE (11) 6:5 and up to 3 Subs	OPERATIONAL SERVICES COMMITTEE (11) 6:5 and up to 3 Subs	PLANNING COMMITTEE (11) 6:5 and up to 3 Subs	LICENSING COMMITTEE (11) 6:5 and up 3 subs
<p><u>CONSERVATIVE</u> Ian Bovingdon (Vice-Chairman) Mark Goldsack Bill Hunt James Lay David Miller Alan Sharp (Chairman)</p> <p><u>Substitutes:</u> Anna Bailey Martin Goodearl Julia Huffer</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith Martin Goodearl Julia Huffer (Chairman) Kelli Pettitt Alan Sharp (Vice-Chairman) Lucius Vellacott</p> <p><u>Substitutes:</u> Anna Bailey James Lay David Miller</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Brown (Vice-Chairman) Lavinia Edwards Martin Goodearl Bill Hunt (Chairman) James Lay</p> <p><u>Substitutes:</u> Keith Horgan Julia Huffer Alan Sharp</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith Lavinia Edwards Martin Goodearl Keith Horgan (Vice-Chairman) Julia Huffer (Chairman) Kelli Pettitt</p> <p><u>Substitutes:</u> Ian Bovingdon Bill Hunt Alan Sharp</p>
<p><u>LIB DEM</u> Charlotte Cane Lorna Dupré John Trapp Mary Wade Alison Whelan (Lead Member)</p> <p><u>Substitutes:</u> <i>Christine Colbert</i> <i>Kathrin Holtzmann</i> <i>Mark Inskip</i> <i>Caroline Shepherd</i> <i>Christine Whelan</i></p>	<p><u>LIB DEM</u> Christine Colbert Kathrin Holtzmann Mark Inskip (Lead Member) Ross Trent Christine Whelan</p> <p><u>Substitutes:</u> <i>Charlotte Cane</i> <i>Caroline Shepherd</i> <i>John Trapp</i> <i>Mary Wade</i></p>	<p><u>LIB DEM</u> Chika Akinwale John Trapp Ross Trent Christine Whelan Gareth Wilson (Lead Member)</p> <p><u>Substitutes:</u> Christine Colbert Lorna Dupré Mary Wade</p>	<p><u>LIB DEM</u> Charlotte Cane Mark Inskip John Trapp (Lead Member) Alison Whelan Gareth Wilson</p> <p><u>Substitutes:</u> Chika Akinwale Lorna Dupré Caroline Shepherd</p>

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2024/25

<p>AUDIT COMMITTEE (5) 3:2 and up to 3 Subs</p>	<p>ANGLIA REVENUES PARTNERSHIP JOINT COMMITTEE (1) 1:0 and 2 Subs</p>		
<p><u>CONSERVATIVE</u> David Brown (Chairman) Kelli Pettitt (Vice-Chairman) Keith Horgan <u>Substitutes:</u> Christine Ambrose-Smith Lavinia Edwards Lucius Vellacott</p>	<p><u>CONSERVATIVE</u> James Lay <u>Substitutes:</u> Anna Bailey Alan Sharp</p>		
<p><u>LIB DEM</u> Vacant Vacant <u>Substitutes:</u> Vacant Vacant</p>	<p><u>LIB DEM</u> None <u>Substitutes:</u> None</p>		

SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES

Committee: Annual Council

Date: 23 May 2024

Author: Democratic Services Manager & Deputy Monitoring Officer

Report No: Z4

Contact Officer:

Tracy Couper, Democratic Services Manager & Deputy Monitoring Officer

tracy.couper@eastcambs.gov.uk, 01353 616278, Room 214B, The Grange, Ely

1.0 AUDIT COMMITTEE – 19 MARCH 2024

Audit Committee Annual Report 2023/24

The Committee considered a Report (Y162 attached at Appendix A) containing the Audit Committee's Annual Report for 2023/24.

The Director, Finance reported that this was the first report of this nature and that he would welcome views from Members regarding future content.

A number of questions relating to this Agenda item had been submitted by Members prior to the meeting and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

In response to a follow-up question by a Member, the Director, Finance gave further clarification on the remit of the Lay Member to be appointed to the Committee. The Chair added that it was anticipated that the Lay Member would be appointed at the Annual Council meeting in May 2024.

Members thanked the Chief Internal Auditor for their assistance with the Annual Report and commended the beneficial nature of recent meetings with the Internal Auditor.

A Member suggested that the most highly rated risks to the Council, as detailed in the Risk Register, could be included in future versions of the Annual Report.

The Chair stated that Committee Members would be considering a timetable for the self-assessment process for the forthcoming year.

It was resolved to RECOMMEND TO FULL COUNCIL:

That the Audit Committee Annual Report be approved.

TITLE: ANNUAL REPORT 2023/24

Committee: Audit Committee

Date: 19 March 2024

Author: Director, Finance

Report No: Y162

Contact Officer:

Ian Smith,
Director, Finance

ian.smith@eastcambs.gov.uk, 01353 616470, Room 104, The Grange, Ely

1.0 ISSUE

1.1. To review the Audit Committee's Annual Report and recommend this for approval at Full Council.

2.0 RECOMMENDATION(S)

2.1. To recommend to Full Council to approve this report.

3.0 BACKGROUND

3.1. It is considered best practice for the Audit Committee to report to Full Council on its activities. This has not previously been undertaken by the Council; however, it is believed that this should be addressed, and the below text provides details of the Committee's activities during 2023/24 municipal year.

3.2. The objectives and Terms of Reference of the Audit Committee at the start of the year were detailed in the Constitution.

3.3. Objectives

3.4. Oversight and approval of Statement of Accounts, Internal and External Audit, and Risk Management matters (not otherwise the responsibility of the Council or any other Committee).

3.5. Terms of Reference

3.6. To act as the Council's Audit Committee and the discharge of these duties and responsibilities including:

- consideration of Annual Audit letter to Members, Annual Audit and Inspection Fee Letter and the External Audit Annual Governance Report, Annual Audit Plan and Code of Audit Practice and Statement of Responsibilities;
- approve the Annual Governance Statement;
- approve the Statement of Accounts;

- approve the Code of Corporate Governance.
- 3.7 To agree the Internal Audit Terms of Reference and Internal Audit Plan, review and consider the Plan, any Annual Report and/or Opinion.
- 3.8 To oversee and approve the Code of Corporate Governance. To oversee the Council's Corporate Governance arrangements including Anti-Fraud and Corruption Policy.
- 3.9 To oversee and monitor the Council's Corporate Risk Register and recommend revisions to the Council's Risk Management Strategy.
- 3.10 To appoint 'Member Champions' as required.
- 3.11 To make nominations to any relevant outside bodies for the Audit Committee from the wider membership of the Council for a period of up to 4 years.

4.0 AUDIT COMMITTEE ACTIVITY IN 2023/24

- 4.1. The Audit Committee met on five occasions during the 2023/24 year:
- 25th May 2023 (following Full Council)
 - 17th July 2023
 - 16th October 2023
 - 5th February 2024
 - 19th March 2024
- 4.2. The Committee reflected the political balance of the Council, having three Conservative councillors and two Liberal Democrat councillors.
- 4.3. The lead officer to the Committee is the Director, Finance, supported by the Director Legal (monitoring officer). Other officer attendees are the Head of Internal Audit, the External Audit Manager and then other report authors.
- 4.4. Committee received the following reports during the year:
- External Audit Results Report for 2021/22
 - Statement of Accounts for 2021/22 – these were approved on the 17th July 2023
 - Internal Audit – Annual Report and Opinion 2022/23 – the summary findings of which are below:

Based upon the work undertaken by Internal Audit during the year, the Chief Internal Auditor's overall opinion on the Council's system of internal control is set out below:

I am satisfied that sufficient internal audit work has been undertaken to inform an opinion on the adequacy and effectiveness of governance, risk management and internal control for 2022/23. In giving this opinion, it should be noted that assurance can never be absolute. The most that the internal audit service can provide is reasonable assurance that there are no major weaknesses in the system of internal control.

It is my opinion that **Satisfactory Assurance** can be given over the adequacy and effectiveness of the Council's control environment for 2022/23 – see definition of assurance opinions in section 4.1 of this report. This control environment comprises of the system of internal control, governance arrangements and risk management. Any limitations over this opinion are detailed and explained further below.

Financial control

Controls relating to the Council's key financial systems which were reviewed during the year were all concluded to be operating at a level of Satisfactory Assurance or above, with 92% of opinions given being of Good or Substantial Assurance.

Assurance over the outsourced revenues and benefits service has been provided in the form of internal audit reports issued for the Anglia Revenues Partnership shared service. These have all resulted in assurance opinions of 'Adequate / Reasonable' or higher, which is comparable to the Council's internal audit service's assurance opinion of 'Satisfactory' or above.

Risk management

The Council's structures and processes for identifying, assessing and managing risk have remained generally consistent during 2022/23.

Rolling risk register reviews were introduced by Internal Audit in 2022/23 and have received positive feedback from the Audit Committee on the value of this work, in giving assurance over the effectiveness of risk management arrangements.

Internal control

For the audits completed by the Internal Audit service in 2022/23, 100% of the opinions given in relation to the control environment and compliance have been of at least Satisfactory Assurance.

The audit plan coverage had targeted areas of known risk and was informed through consultation with senior management and the Audit Committee.

The audit of Cyber Security was not performed in 2022/23 pending ongoing work by officers on addressing findings from the IT health check. Assurance has, however, been provided in the form of Public Sector Network Code of Connection compliance certification obtained in May 2023 indicating satisfactory resolution of vulnerabilities identified by penetration testing.

Of the agreed management actions due for implementation during 2022/23, 85% had been completed during the year.

There have been no incidences during 2022/23 where the internal audit team have highlighted a fundamental risk or weakness and management have sought to accept the risk, rather than agree an appropriate action.

Internal Audit has not been made aware of any further governance, risk or internal control issues which would reduce the above opinion. No systems of controls can provide absolute assurance against material misstatement or loss, nor can Internal Audit give that assurance.

- Internal Audit Progress Reports (four reports)
- ICT Audit Progress Report
- Corporate Risk Management (Risk Register) update reports (two reports)

- Risk Management Policy and Framework (recommended to Full Council for approval on the 16th October 2023) – this was approved at Full Council on the 20th February 2024
 - Information Governance Annual Report
 - Draft Statement of Accounts for 2022/23
 - Annual Governance Statement 2022/23 - this was approved on the 5th February 2024
 - Risk Review for East Cambs Street Scene (ECSS), where it was agreed to support the requirement to amend the Memorandum of Agreement; recommend Operational Services Committee to undertake a review of the Waste and Recycling service and prepare a project plan for implementation by 2025 and note that the Chief Executive... is implementing urgent changes to the organisational structure to enhance the client-side and provide clarity between the Council and ECSS.
 - External Audit updates (two updates)
 - Internal Audit Charter and Strategy – this was recommended for approval on the 19th March 2024
 - Internal Audit Plan 2024/25 – this was recommended for approval on the 19th March 2024
- 4.5. Audit Committee training took place on the 15th June 2023 to assist the new Committee following the election in May 2023.
- 4.6 On the 12th January 2024, Audit Committee members (including one substitute member) met to conduct a self-assessment of the Committee against the CIPFA Position Statement on the role of Audit Committees in local government. Attendees found this a useful meeting and an opportunity to reflect on where the Committee was performing well and where further improvement could be made, to better align with best practice. A draft action plan has been produced and will be subject to review by the Committee. It is intended to re-perform the self-assessment on an annual basis.
- 4.7 Some areas where the members felt the Committee was strong included a good level of discussion and engagement from all members at committee meetings; making recommendations for the improvement of governance, risk and control arrangements; and maintaining an advisory role without responsibility for other functions. Areas where the Committee felt improvement could be made and actions are being considered included the appointment of an independent committee member; conducting a skills/training assessment and plan; and ensuring direct access to the external auditor – including gaining an understanding of the latest position with external audit issues.
- 4.8 A number of further areas where the Committee felt that the best practice was not being met related to producing an annual report to Council which should raise the profile of audit work, ensure that the Committee is delivering on its role for those charged with governance, and ensure the role of the committee is more widely understood. This report if approved will be the first of such annual reports.

4.9 The Constitutional Review Working Party reported to Full Council on 20th February 2024, recommending the following changes to the Audit's Committee Terms of Reference

- The appointment of one lay member without voting rights to the Committee
- Clarification on the attendance of officers at Audit Committee, specifically, and in addition to the lead officer, report author and those required by the Constitution to attend in addition, an appropriate officer can be instructed to attend, by Committee resolution, in relation to a specified current or future agenda item.

These change in terms were agreed.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no financial implications arising from this report.
- 5.2. An Equality Impact Assessment (EIA) is not required.
- 5.3. A Carbon Impact Assessment (CIA) is not required.

Background Documents:

Audit Committee agendas and minutes

ECTC AND ECSS MATTERS

Committee: Council
Date: 23 May 2024
Author: Director Legal & Monitoring Officer
Report No: Z5

Contact Officer: Maggie Camp, Director Legal & Monitoring Officer
Maggie.camp@eastcambs.gov.uk 01353 616277, Room 112 The Grange, Ely

1.0 ISSUE

1.1. To consider changes to the East Cambs Trading Company Ltd (“ECTC”) Shareholder Agreement, East Cambs Street Scene Ltd (“ECSS”) Shareholder Agreement and the Memorandum of Agreement (“MoA”) between the Council and ECSS.

2.0 RECOMMENDATION(S)

2.1. Council is requested to:

- i. Approve the changes of the ECTC Shareholder Agreement as set out in Appendix 1,
- ii. Approve the changes to the ECSS Shareholder Agreement as set out in Appendix 2,
- iii. Approve the replacement of Schedule 5 of the Memorandum of Agreement between the Council and ECSS with Schedule 5 as set out in Appendix 3,
- iv. Authorise the Director Legal & Monitoring Officer to complete the legal documentation to bring into effect the decision of i) – iii) above.

3.0 BACKGROUND/OPTIONS

Internal Audit

3.1. The Council’s Internal Auditors have concluded audits relating to ECTC and ECSS. Both reports concluded that there was good compliance and provide recommendations to further enhance compliance.

3.2. The following recommendations were made relating to ECTC:

- The relationship and rights of access for the Council’s Internal Auditors with ECTC should be suitably documented to ensure consistency and clarity going forward,
- The Seven Principles of Public Life (Nolan Principles) should be incorporated into the Shareholder Agreement or Articles of Association (as appropriate).
- ECTC Board to prepare and approve an annual governance statement for submission to the Council, and

- Make changes to the Shareholder Agreement to reflect current practices, i.e. Quarterly Management Accounts to the Shareholder Committee (Finance & Assets Committee) and risk escalation to Council (where necessary).

3.3. The following recommendations were made relating to ECSS:

- The relationship and rights of access for the Council's Internal Auditors with ECSS should be suitably documented to ensure consistency and clarity going forward,
- The Seven Principles of Public Life (Nolan Principles) should be incorporated into the Shareholder Agreement or Articles of Association (as appropriate),
- Include in the Shareholder Agreement a statement which sets out that where staff are formally seconded to ECSS they must not take decisions on behalf of the Council on its statutory functions,
- ECSS Board to prepare and approve an annual governance statement for submission to the Council, and
- The MoA to be updated and formally approved to reflect recent changes in ECSS governance, financial and performance management arrangements.

ECTC Request

- 3.4. ECTC's Director Commercial has formally requested changes to the ECTC Shareholder Agreement that, if approved, would enable ECTC to form Resident Management Companies without the need to seek consent from the Council.
- 3.5. A Resident Management Company is a company that is owned by the residents who will become responsible for the maintenance and management of the common areas within a development.
- 3.6. This request has arisen from ECTC's consideration of how the management company responsibilities of the development at Eden Square, Ely should be managed in the long-term. Following ECTC's own external legal advice and consideration of the nature of management company responsibility, the ECTC Board resolved to approve a Resident Management Company and request formal consent from the Council to do so.
- 3.7. It was further considered that a Resident Management Company may be appropriate for other sites in the future and therefore it was expedient to request a 'blanket' consent to form Resident Management Companies without the need to require consent from the Council in the first instance.
- 3.8. If approved by Council, ECTC will incorporate the Resident Management Company and be the first directors of the company. As each individual property is sold, the purchaser will be obligated to become a director of the company. ECTC would resign from the company at the point that the last property is sold.

Other Changes

3.9. Proposed ECTC and ECSS Shareholder Agreement amendments:

- 3.9.1. In the preceding year, all Members have received a copy of both ECTC and ECSS Board Papers. These papers have been provided in the strictest of confidence. This enables all Members to receive information on the matters being considered by the respective Boards.
- 3.9.2. Clause 5.8 of the respective Shareholder Agreements permit the Board papers to be sent to the respective Shareholder Committee Members. To formalise the current practice, it is proposed that this clause should be amended to include **all** Members.
- 3.9.3. As all Members receive a copy of the ECTC and ECSS Board Papers, a review has been carried out to assess the information provided to all Members and information provided to the Shareholder Committee.
- 3.9.4. Finance & Assets Committee and Operational Services Committee, acting in their respective Shareholder Committee capacity, have received Board Minutes for information. This is not a requirement of the Shareholder Agreement and is not part of either Committee's Terms of Reference.
- 3.9.5. Both ECTC and ECSS Board Minutes form part of the Board Papers that all Members receive. This is currently a duplication which is not required in either the Shareholder Agreements or the Shareholder Committee's Terms of Reference. The proposed changes to the Shareholder Agreements will formalise all Members receiving a copy of Board Papers. For this reason, it is proposed that there is no longer a need for these to be received by the respective Shareholder Committee.
- 3.9.6. Clause 5.5 of the respective Shareholder Agreements require the Board of Directors to send a biannual report to the Shareholder Committee. This report is for noting. The biannual report includes the strategic risk assessment, progress against the Business Plan, summary management accounts and key financial metrics including financial projections and variations. This is an area where there is a duplication of information received by Members.
- 3.9.7. All Members receive a copy of the ECTC and ECSS Board Papers which include the Strategic Risk Register and the Quarterly Management Accounts (which contains narrative about business progress) are noted by the Shareholder Committee. It is proposed that since this information is already provided to Members that clause 5.5 is deleted. For the avoidance of doubt the respective Shareholder Committees will continue to receive Quarterly Management Accounts, which contain a narrative about business progress.
- 3.9.8. The respective Shareholder Agreements require the attendance of Board Directors at meetings. It is proposed that this requirement should be amended to

reflect the nature of the business being considered by the respective Shareholder Committees.

- 3.9.9. It is proposed that clause 5.9 is amended to reflect the attendance of Board Director(s) where items of decision affecting the company are being considered and the requirement for personnel nominated by the Board of Directors for noting items are being considered by the respective Shareholder Committee.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The changes identified in this report reflect the recommendations from Internal Audit, the request from ECTC's Director Commercial, and a further review of the Shareholder Agreement. All of these changes have been reflected in Appendices 1-3.
- 4.2. Tracked changes of the ECTC Shareholder Agreement are provided at Appendix 1.
- 4.3. Tracked changes of the ECSS Shareholder Agreement are provided at Appendix 2.
- 4.4. The amended Schedule 5 of the MoA is provided at Appendix 3.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1- Draft ECTC Shareholder Agreement
Appendix 2- Draft ECSS Shareholder Agreement
Appendix 3- Draft Schedule 5 of the Memorandum of Agreement

Background Documents

ECDC and ECSS Memorandum of Agreement
Confidential- Internal Audit Report ECTC
Confidential- Internal Audit Report ECSS

|
Dated

2020

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

and

EAST CAMBS TRADING COMPANY LIMITED

Shareholders' Agreement relating to

East Cambs Trading Company Limited

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Shareholders' agreement

Dated 2019

Parties

- (1) **East Cambridgeshire District Council** whose principal office is at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE (the **Council**); and
- (2) **East Cambs Trading Company Limited** a company incorporated and registered in England and Wales with registered number [10061867] whose registered office is at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE (the **Company**).

Introduction

- (A) The Company was incorporated under the Companies Act 2006 on 14th March 2016 as a private company limited by shares. At the date of this Agreement the Company has issued share capital of 1 ordinary share of £1 owned by the Council.
- (B) This Agreement sets out the terms upon which the Council will participate in the Company as its shareholder.

Agreed terms

1 Interpretation and definitions

1.1 In this Agreement:

Annual Accounts Date means the accounting reference date of the Company from time to time;

Board of Directors means the board of directors of the Company;

Board Meeting means a meeting of the Board of Directors;

Business means the business of the Company described in clause 2 and the Business Plan and such other business as the Shareholder may agree from time to time in writing should be carried on by the Company;

Business Plan means the business plan adopted in accordance with clause 2 and clause 6 and applicable from time to time;

Business Day means a day other than a Saturday or Sunday or public holiday in England and Wales;

Director means any director for the time being of the Company, including where applicable any alternate director;

Environmental Information Regulations means the Environmental Information Regulations 2004;

FOIA means the Freedom of Information Act 2000;

Information has the meaning given to it under section 84 of the FOIA;

Prudential Code for Local Authorities means the Chartered Institute of Public Finance and Accountancy (**CIPFA**) Prudential Code for Capital Finance in Local Authorities 2011 and accompanying Guidance Notes for Practitioners 2013 (as updated or revised from time to time);

Request for Information has the meaning set out in the FOIA or any apparent request for information made under the FOIA or the Environment Information Regulations;

Security Interest means any mortgage, charge, pledge, lien, hypothecation, assignment by way of security, guarantee, indemnity, debenture, declaration of trust, right of set off or combination of accounts or any other type of preferential arrangement (including without limitation, a title transfer and retention of title) or any encumbrance or security interest whatsoever, howsoever arising and whether monetary or not;

Shareholder means any holder of any Share(s), being the Council at the date of this Agreement;

Shareholder Committee means the Council's Finance and Assets Committee operating in accordance with clause 5;

Shareholder Committee Meeting means a meeting of the members of the Shareholder Committee;

Shares means the ordinary shares of £1 each in the capital of the Company;

Subsidiary Undertaking means a subsidiary undertaking as defined in section 1162 of the Companies Act 2006.

- 1.2 Any reference to a statute or statutory provision is a reference to it as it is in force from time to time, taking account of any change, extension, consolidation or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.3 Clause headings in this Agreement are for convenience only and do not affect the construction of any provision.
- 1.4 References to any gender shall include the other genders and references to the singular shall include the plural and vice versa.
- 1.5 Any reference to a person (which for the purposes of this Agreement shall include a firm, unincorporated association, body corporate, government, state or agency of state, any association or partnership or joint venture (whether or not having a separate legal personality)) shall include its successors in title.
- 1.6 In this Agreement all obligations and liabilities on the part of the Shareholder are (unless expressly stated otherwise) several and shall be construed accordingly.
- 1.7 Any reference to a document in the agreed form shall be a reference to that document in the form agreed and initialled by or on behalf of each of the Shareholder for the purpose of identification and attached to this Agreement.

2 The business of the Company

2.1 The parties acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of the markets service grounds maintenance activity and property consultancy, property development and development services to the Council and to other customers in accordance with the Business Plan. The Company shall:

2.1.1 carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit, on sound commercial profit-making principles; and

2.1.2 transact all its business on arm's length terms.

2.2 The first Business Plan of the Company is in agreed form and will be approved by the Board of Directors as soon as reasonably practicable following execution of this Agreement. The Company shall circulate a revised version of the then current Business Plan to the Shareholder Committee annually in advance of the coming financial year and invite the Shareholder Committee to provide comments and approve the Business Plan. No adoption, variation or replacement of any Business Plan shall take effect unless such adoption, variation or replacement has received consent in accordance with clause 6.

2.3 Each Business Plan shall be substantially in the format of the first Business Plan and shall be for a five year period.

2.4 Notwithstanding any other provision of this clause 2 following the requisite approval by the Directors of a new proposed Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.2 has not been approved in accordance with clause 6 and adopted by the Directors in accordance with this Agreement, the relevant existing Business Plan shall continue to be the Business Plan of the Company.

2.5 The principal place of business of the Company and the principal place for management of the Company shall be within the boundaries of East Cambridgeshire, unless otherwise agreed in writing by the Council.

3 Conduct of the Company's affairs

3.1 With the exception of those matters requiring consent pursuant to clause 6, the day-to-day management of the Company shall be vested in the Directors. Without prejudice to the generality of the foregoing, the Directors will determine the general policies of the Company and the manner in which the Business is to be carried out to those matters requiring consent pursuant to clause 6 and to any other express provisions of this Agreement.

3.2 The Company shall not carry out any activity which would render the holding of Shares by the Council unlawful provided that where a proposed change of law would render such shareholding unlawful the Council will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.

3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.

3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries at any time with any officers and employees of the Council and the Shareholder Committee as designated in writing by the Council for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company and its subsidiaries shall be open to the inspection of any officers and employees designated in writing by the Council for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the Council properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any confidential information secured as a consequence of such discussions and examinations shall be kept confidential by the Council and its designated officers and employees in accordance with the terms of clause 11.

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 and will generally keep the Council informed of the progress of the Company's business and affairs and in particular will procure that the Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.

3.6 The Company shall not breach nor cause the Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015 or any European Directive on public procurement.

3.7 The Company shall:

3.7.1 identify the participation of the Council on all its official business stationery; and

3.7.2 not engage in any party political publicity.

3.8 [The Company will comply with the Seven Principles of Public Life \(also known as the Nolan Principles\). For the avoidance of doubt the Seven Principles of Public Life are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.](#)

3.7.2 [3.9 The Company shall grant a right of access of information to the Council's Internal Auditors provided always that any information provided is held in confidence.](#)

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4 **The Board of Directors and The Board Observers**

4.1 The Board of Directors shall consist of not less than 3 Directors.

4.2 Board Meetings shall be held no less than 4 times per annum. All Board Meetings shall be held in the United Kingdom.

4.3 Unless otherwise agreed by all the Directors, not less than 5 Business Days' notice shall be given to each of the Directors of all Board Meetings. The notice convening a Board Meeting shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting. If any matter is not identified in reasonable detail the Board of Directors shall not decide on it unless all Directors agree in writing

- 4.4 The Leader of Council and the Chairman of Finance & Assets Committee are appointed as Observers to the Board.
- 4.5 The purpose of an observer is to add value to discussions, i.e. bring additional knowledge to the debate, at board meetings and provide reassurance to the shareholder, i.e. the Council, that the Board of Directors is meeting its obligations to the company and the shareholder
- 4.6 Rights of the Observers
- 4.6.1 The Board of Directors shall notify the Observers of when meetings will be held;
- 4.6.2 The Observers may contribute to discussions at Board Meetings;
- 4.6.3 The Observers are not entitled to vote on any decision contemplated by the Board of Directors;
- 4.6.4 The attendance of Observers is not counted towards a quorum;
- 4.6.5 Observers will have access to board papers and minutes and must comply with confidentiality rules of the company; and
- 4.6.6 Observers cannot participate on matters where there is a direct conflict of interest related to their personal business

5 Shareholder Committee

- 5.1 The Council's Finance and Assets Committee will act as the Shareholder Committee. The Shareholder Committee shall act in accordance with its terms of reference.
- 5.2 The Shareholder Committee shall have powers to make decisions in accordance with its terms of reference. The purpose of the Shareholder Committee shall be to:
- 5.2.1 recommend, where relevant, the appointment of the Chairman of the Board and approve best practice policies in relation to such an appointment;
- 5.2.2 receive, review, comment on and approve the Business Plan;
- 5.2.3 approve the Company entering into any joint venture;
- 5.2.4 approve the borrowing of any external monies (other than from the Cambridgeshire and Peterborough Combined Authority)
- 5.2.5 ~~review the financial performance~~[receive the Quarterly Management Accounts](#) of the Company; and
- 5.2.6 make recommendations to the Council on how it should exercise the functions flowing from its ownership of Shares.
- 5.3 A Shareholder Committee Meeting shall be held no less than two times per annum.

- 5.4 The Chairman of the Shareholder Committee may call an extraordinary committee:
- (i) On giving not less than 6 Business Days' notice; and
 - (ii) The Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place. .

~~5.5 The Board of Directors shall send a report biannually to the Shareholder Committee. The report shall provide all information reasonably required for the Shareholder Committee to conduct an effective review of the following items:~~

~~5.5.1 the strategic risk assessment;~~

~~5.5.2 progress against the Business Plan; and~~

~~5.5.3 summary management accounts and key financial metrics including financial projections and variations;~~

~~For the avoidance of doubt, the list of items in this clause 5.5 is not exhaustive.~~

~~5.65.5~~ Unless otherwise agreed by the Chairman of the Shareholder Committee appointed by the Council before a Shareholder Committee Meeting not less than 5 Business Days' notice shall be given to each of the members of the Shareholder Committee and to the directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting.

5.7 In addition to the Shareholder Committee, the Company will host an annual all Council Member Shareholder Seminar.

5.8 The Company will supply all Mmembers of the Shareholder CommitteeCouncil with the agendas and support papers provided to the Board of Directors and shall do so at the same time, as far as possible, as the relevant board receives those agendas and papers (except for minutes, which need only be supplied after signature).The Company will supply the members of the Shareholder Committee on request with all information and data reasonably requested by the Shareholder Committee to enable it to reach an informed judgment on any matter within its purview.

5.9 The Managing Director and Chairman of the Board shall be required to attend the Shareholder Committee where the Annual Business Plan is to be approved. The Managing Director shall be required to attend any Shareholder Committee meeting where there is a matter for decision relating to the Company on the Agenda. All other meetings shall be attended by personnel authorised by the Board of Directors as necessary.~~The Company shall ensure that at least one representative shall attend each meeting of the Shareholder Committee who shall be a Director and qualified to address the issues on the agenda for the meeting.~~

6 **Reserved Matters (Matters requiring consent of the Council)**

6.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term

of this Agreement no Company Member shall, except with the prior consent of the Council, take any action or pass any resolution in respect of:

- 6.1.1 issuing or allotting any shares;
- 6.1.2 granting any option or other interest (in the form of convertible securities or in any other form) over or in its share capital, redeeming or purchasing any of its own shares or effecting any other reorganisation of its share capital;
- 6.1.3 altering in any respect its articles of association or the rights attaching to any of its shares;
- 6.1.4 permitting the registration of any person as a Shareholder of the Company;
- 6.1.5 re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
- 6.1.6 applying for the listing or trading of any shares or debt securities on any stock exchange or market;
- 6.1.7 forming any Subsidiary Undertaking [except for a Resident Management Company](#) or acquiring shares in any other company or participating in a joint venture (incorporated or not);
- 6.1.8 amalgamating or merging with any other company or business undertaking; or
- 6.1.9 passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
- 6.1.10 changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
- 6.1.11 appointing or removing any Director;
- 6.1.12 the grant of any power of attorney or the appointment of any agent, or the entry into any other agreement which devolves or transfers management control of the Company from the Board of Directors;
- 6.1.13 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
- 6.1.14 the entry into any service contract, terms of appointment or other agreement with a Director;
- 6.1.15 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any key employee of, or consultant to, the Company at a rate in excess of £100,000 per annum;
- 6.1.16 establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors;
- 6.1.17 making any bonus payment to any director;

- 6.1.18 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);
- 6.1.19 changing its name or its registered office; or
- 6.1.20 replacing or modifying the Business Plan;
- 6.1.21 entering into an agreement to do any of the foregoing.

6.2 The Council is permitted to delegate (subject to its own formal approval process) any of the functions detailed in 6.1.1-6.1.21 to the Finance & Assets Committee, acting as the Shareholder Committee

7 **Production of accounts and reports**

7.1 The Company shall provide the information referred to in clause 7.2 to the Shareholder.

7.2 The Company shall instruct its accountants to prepare a balance sheet of the Company, as at the Annual Accounts Date each year and a consolidated profit and loss account of the Company, for the 12 month financial period ending on the Annual Accounts Date each year to be presented to the Shareholder within 3 calendar months after the end of the period to which such accounts relate. The Company shall appoint an independent auditor to audit the balance sheet and profit and loss account for 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.

7.4 All accounts referred to in this clause shall be prepared in pounds sterling and in accordance with applicable law and generally accepted accounting standards, principles and practices in the United Kingdom.

7.4 7.5 The Company shall provide an Annual Governance Statement to the Shareholder and this shall be supplied at the same time as the information required in clause 7.3. The Annual Governance Statement shall include the key risks for the Company in the forthcoming year and set out the process for escalating the risks to the Council where these affect the Council as the Shareholder.

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8 **Anti-corruption**

8.1 In this clause:

Adequate Procedures means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of State under section 9 of the Bribery Act 2010;

Associated Person means in relation to a party to this Agreement, any person (including an officer, employee, agent or Subsidiary Undertaking) who performs services for or on behalf of that party;

Corrupt Activity means extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence, money-laundering or any similar activity including

without limitation any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 Bribery Act;

8.2 Each party declares and undertakes to the other parties that:

8.2.1 it has not and will not in relation to the Company or the operation of the Business, engage in any Corrupt Activity;

8.2.2 it will not authorise or acquiesce in or turn a blind eye to, any Corrupt Activity;

8.2.3 it has and will maintain in place, or in the case of the Company it will put and maintain in place, Adequate Procedures designed to prevent any Associated Person from undertaking any conduct that would give rise to an offence under section 7 of the Bribery Act 2010;

8.2.4 it has not and will not engage in any activity, practice or conduct which could place the Company or any other party in breach of section 7(1) Bribery Act;

8.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause ~~8.28-2~~ and will provide any information reasonably requested by the other party in support of such compliance; and

8.2.6 it will ensure that its Associated Persons will comply with its commitments under this clause 8.

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9 **No fetter**

Nothing in this Agreement shall operate to bind the Company or any Council to the extent that it constitutes an unlawful fetter on any statutory power of the Company or the Council.

10 **Duration and termination**

10.1 This Agreement shall continue in full force and effect, unless otherwise agreed in writing by the Council, provided that this Agreement shall cease to have effect as regards any Shareholder who ceases to hold any Shares in the Company, except for any provisions which are expressed to continue in force thereafter.

10.2 Termination of this Agreement pursuant to this clause shall not release any party from any liability which at the time of termination has already accrued to another party or which may accrue after termination of this Agreement in respect of any act or omission prior to such termination.

11 **Confidentiality**

11.1 This clause applies to:

11.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to one of the other parties whether before or after the date of this Agreement;

11.1.2 any information concerning the business affairs of one party or other information confidential to that party which one of the other parties learns as a result of the relationship between the parties pursuant to this Agreement;

including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).

11.2 In this clause, in relation to a particular item of Confidential Information:

11.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and

11.2.2 the **Receiving Party** means the other party.

11.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:

11.3.1 keep the Confidential Information confidential;

11.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 11; and

11.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.

11.4 Notwithstanding clause ~~11.311.3~~, the Receiving Party may disclose Confidential Information as follows:

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11.4.1 to its professional advisers (each, a Recipient) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and

11.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.

11.5 This clause 11 shall not apply to any Confidential Information which:

11.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through breach of this Agreement by the Receiving Party or any Recipient;

11.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

- 11.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.
- 11.6 The Company acknowledges that the Council is subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation, and shall facilitate the Council's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 11.7 and 11.10.
- 11.7 If a Council receives a Request for Information in relation to Information that the Company is holding and which the Council does not hold itself, the Council shall refer to the Company such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the Company shall:
- 11.7.1 provide the Council with a copy of all such Information in the form that the Council requires as soon as practicable and in any event within 10 Business Days (or such other period as the Council acting reasonably may specify) of the Council's request; and
- 11.7.2 provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 11.8 Following notification under clause 11.7, and up until such time as the Company has provided the Council with all the Information specified in clause 11.7, the Company may make representations to the Council as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Council shall be responsible for determining, at its absolute discretion:
- 11.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and
- 11.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the Company respond directly to a Request for Information.
- 11.9 The Company acknowledges that (notwithstanding the provisions of clause 11.1) the Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the Freedom of Information Act 2000, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the Company:
- 11.9.1 in certain circumstances without consulting with the Company; or
- 11.9.2 following consultation with the Company and having taken its views into account.
- 11.10 The Company shall transfer to the relevant Council any Request for Information received by it as soon as practicable and in any event within 3 Business Days of receiving it.

11.11 The Company acknowledges that any lists provided which list or outline Confidential Information are of indicative value only and that the Council may nevertheless be obliged to disclose Confidential Information in accordance with clause 11.9.

12 **General**

12.1 Except where this Agreement provides otherwise, each party shall pay its own costs relating to or in connection with the negotiation, preparation, execution and performance by it of this Agreement and of each agreement or document entered into pursuant to this Agreement and the transactions contemplated by this Agreement.

12.2 No variation of this Agreement shall be valid unless it is in writing and signed by or on behalf of each of the parties.

12.3 No delay, indulgence or omission in exercising any right, power or remedy provided by this Agreement or by law shall operate to impair or be construed as a waiver of such right, power or remedy or of any other right, power or remedy.

12.4 No single or partial exercise or non-exercise of any right, power or remedy provided by this Agreement or by law shall preclude or restrict any other or further exercise of such rights, power or remedy or of any other right, power or remedy.

12.5 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.

12.6 A waiver of a breach of any of the terms of this agreement or of a default under this Agreement will not prevent a party from subsequently requiring compliance with the waived obligation.

12.7 The rights and remedies provided by this Agreement are cumulative and are not exclusive of any rights, powers or remedies provided by law.

12.8 If any provision of this Agreement is or becomes illegal, invalid or unenforceable under the law of any jurisdiction, that shall not affect or impair:

12.8.1 the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or

12.8.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this Agreement.

12.9 This Agreement, and the documents referred to in it, constitute the entire agreement and understanding between the parties and supersede any previous agreement, understanding or arrangement between the parties relating to the subject matter of this Agreement.

12.10 Each of the parties acknowledges and agrees that:

12.10.1 in entering into this Agreement, and the documents referred to in it, it does not rely on, and shall have no remedy in respect of, any statement, representation, assurance, warranty or understanding of any person (whether party to this Agreement or not) other than as expressly set out in this Agreement or those documents;

12.10.2 the only remedy available to it arising out of or in connection with this Agreement or its subject matter shall be for damages for breach of contract under the terms of this Agreement;

12.10.3 nothing in this clause shall operate to limit or exclude any liability for fraud.

12.11 No person who is not a party to this Agreement shall have any right to enforce this Agreement or any agreement or document entered into pursuant to this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

13 **Assignment**

This Agreement is personal to the parties and neither party shall assign, transfer, charge, make the subject of a trust or deal in any other manner with this Agreement or any of its rights or obligations under it, or purport to do any of the same, nor sub-contract any or all of its obligations under this Agreement without the prior written consent of the other party save where the Council's functions are transferred or assigned to a successor body. Each party is entering into this Agreement for its benefit and not for the benefit of another person.

14 **No partnership or agency**

Nothing in this Agreement is intended to or shall operate to create a partnership, or to authorise any party to act as agent for any other or to establish any other fiduciary relationship between the parties. No party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way (including but not limited to the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).

15 **Notices**

15.1 Any notice or other communication given under this Agreement:

15.1.1 shall be in writing;

15.1.2 shall be signed by or on behalf of the party giving it;

15.1.3 shall be served by delivering it by hand or sending it by pre-paid recorded delivery or registered post or by fax at the address or fax number set out in clause 15.245.2 of the party due to receive it and marked for the attention of the person named in clause 15.245.2 (or at such other address in the United Kingdom or fax number or marked for the attention of such other person as last notified in writing to the other parties;

15.1.4 shall be deemed to have been received:

- (a) if delivered by hand, at the time of actual delivery;
- (b) in the case of pre-paid recorded delivery or registered post, two Business Days after the date of posting; and
- (c) in the case of fax, at the time of completion of transmission.

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15.2 The addresses of the parties for the purposes of clause ~~15.115.4~~ are as set out at the beginning of this Agreement and the notice details and fax numbers are as follows:

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15.3 To prove delivery it shall be sufficient to prove that the envelope containing the notice was addressed to the address of the relevant party set out in clause ~~15.215.2~~ and delivered either to that address or into the custody of the postal authorities as a pre-paid recorded delivery, registered post or airmail letter, or that the notice was transmitted by fax to the fax number of the relevant party set out in clause ~~15.215.2~~.

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15.4 In this clause if deemed receipt occurs before 9am on a Business Day the notice shall be deemed to have been received at 9am on that day, and if deemed receipt occurs after 5pm on a Business Day, or on a day which is not a Business Day, the notice shall be deemed to have been received at 9am on the next Business Day.

15.5 For the avoidance of doubt, a notice or other communication given under this Agreement shall not be validly served if sent by e-mail.

16 Counterparts

This Agreement may be executed in any number of counterparts and by different parties on separate counterparts (which may be facsimile copies), but shall not take effect until each party has executed at least one counterpart. Each counterpart shall constitute an original, and all the counterparts together shall constitute a single agreement.

17 Applicable law

17.1 The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.

17.2 Each of the parties irrevocably agrees to submit to the exclusive jurisdiction of the courts of England and Wales in relation to any claim or matter arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing.

This Agreement has been executed on the date stated at the beginning of this Agreement.

The Common Seal of EAST CAMBRIDGESHIRE)
DISTRICT COUNCIL was hereunto affixed in)
the presence of:-)

Legal Services Manager/Chief Executive

EXECUTED AS A DEED by EAST CAMBS)
TRADING COMPANY LIMITED in the)
presence of:)

Director

Director/Secretary

Dated

2023

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

and

EAST CAMBS STREET SCENE LIMITED

Shareholders' Agreement relating to

EAST CAMBS STREET SCENE LIMITED

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Shareholders' agreement

Dated 2023

Parties

- (1) **East Cambridgeshire District Council** whose principal office is at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE (the **Council**); and
- (2) **East Cambs Street Scene Limited** a company incorporated and registered in England and Wales with registered number [11150811] whose registered office is at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE (the **Company**).

Introduction

- (A) The Company was incorporated under the Companies Act 2006 on 15 January 2018 as a private company limited by shares. At the date of this Agreement the Company has issued share capital of 1 ordinary share of £1 owned by the Council.
- (B) This Agreement sets out the terms upon which the Council will participate in the Company as its shareholder.

Agreed terms

1 Interpretation and definitions

1.1 In this Agreement:

Annual Accounts Date means the accounting reference date of the Company from time to time;

Board of Directors means the board of directors of the Company;

Board Meeting means a meeting of the Board of Directors;

Business means the business of the Company described in clause 2 and the Business Plan and such other business as the Shareholder may agree from time to time in writing should be carried on by the Company;

Business Plan means the business plan adopted in accordance with clause 2 and clause 6 and applicable from time to time;

Business Day means a day other than a Saturday or Sunday or public holiday in England and Wales;

Director means any director for the time being of the Company, including where applicable any alternate director;

Environmental Information Regulations means the Environmental Information Regulations 2004;

FOIA means the Freedom of Information Act 2000;

Information has the meaning given to it under section 84 of the FOIA;

Prudential Code for Local Authorities means the Chartered Institute of Public Finance and Accountancy (**CIPFA**) Prudential Code for Capital Finance in Local Authorities 2011 and accompanying Guidance Notes for Practitioners 2013 (as updated or revised from time to time);

Request for Information has the meaning set out in the FOIA or any apparent request for information made under the FOIA or the Environment Information Regulations;

Security Interest means any mortgage, charge, pledge, lien, hypothecation, assignment by way of security, guarantee, indemnity, debenture, declaration of trust, right of set off or combination of accounts or any other type of preferential arrangement (including without limitation, a title transfer and retention of title) or any encumbrance or security interest whatsoever, howsoever arising and whether monetary or not;

Shareholder means any holder of any Share(s), being the Council at the date of this Agreement;

Shareholder Committee means the Council's Operational Services Committee operating in accordance with clause 5;

Shareholder Committee Meeting means a meeting of the members of the Shareholder Committee;

Shares means the ordinary shares of £1 each in the capital of the Company;

Subsidiary Undertaking means a subsidiary undertaking as defined in section 1162 of the Companies Act 2006.

- 1.2 Any reference to a statute or statutory provision is a reference to it as it is in force from time to time, taking account of any change, extension, consolidation or re-enactment and includes any subordinate legislation for the time being in force made under it.
- 1.3 Clause headings in this Agreement are for convenience only and do not affect the construction of any provision.
- 1.4 References to any gender shall include the other genders and references to the singular shall include the plural and vice versa.
- 1.5 Any reference to a person (which for the purposes of this Agreement shall include a firm, unincorporated association, body corporate, government, state or agency of state, any association or partnership or joint venture (whether or not having a separate legal personality)) shall include its successors in title.
- 1.6 In this Agreement all obligations and liabilities on the part of the Shareholder are (unless expressly stated otherwise) several and shall be construed accordingly.
- 1.7 Any reference to a document in the agreed form shall be a reference to that document in the form agreed and initialled by or on behalf of each of the Shareholder for the purpose of identification and attached to this Agreement.

2 The business of the Company

2.1 The parties acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of the waste & recycling service to the Council and to other customers in accordance with the Business Plan. The Company shall:

2.1.1 carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit, on sound commercial profit-making principles; and

2.1.2 transact all its business on arm's length terms.

2.2 The first Business Plan of the Company is in agreed form and will be approved by the Board of Directors as soon as reasonably practicable following execution of this Agreement. The Company shall circulate a revised version of the then current Business Plan to the Shareholder Committee annually in advance of the coming financial year and invite the Shareholder Committee to provide comments on and approve the Business Plan. No adoption, variation or replacement of any Business Plan shall take effect unless such adoption, variation or replacement has received consent in accordance with clause 6.

2.3 Each Business Plan shall be substantially in the format of the first Business Plan and shall be for a three year period.

2.4 Notwithstanding any other provision of this clause 2 following the requisite approval by the Directors of a new proposed Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.2 has not been approved in accordance with clause 6 and adopted by the Directors in accordance with this Agreement, the relevant existing Business Plan shall continue to be the Business Plan of the Company.

2.5 The principal place of business of the Company and the principal place for management of the Company shall be within the boundaries of East Cambridgeshire, unless otherwise agreed in writing by the Council.

3 Conduct of the Company's affairs

3.1 With the exception of those matters requiring consent pursuant to clause 6, the day-to-day management of the Company shall be vested in the Directors. Without prejudice to the generality of the foregoing, the Directors will determine the general policies of the Company and the manner in which the Business is to be carried out to those matters requiring consent pursuant to clause 6 and to any other express provisions of this Agreement.

3.2 The Company shall not carry out any activity which would render the holding of Shares by the Council unlawful provided that where a proposed change of law would render such shareholding unlawful the Council will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.

3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.

- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries at any time with any officers and employees of the Council and the Shareholder Committee designated in writing by the Council for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company and its subsidiaries shall be open to the inspection of any officers and employees designated in writing by the Council for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the Council properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any confidential information secured as a consequence of such discussions and examinations shall be kept confidential by the Council and its designated officers and employees in accordance with the terms of clause 11.
- 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 and will generally keep the Council informed of the progress of the Company's business and affairs and in particular will procure that the Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Company shall not breach nor cause the Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015 or any European Directive on public procurement.
- 3.7 The Company shall:
- 3.7.1 identify the participation of the Council on all its official business stationery; and
 - 3.7.2 not engage in any party political publicity.
- 3.8 The Company use its reasonable endeavours to ensure that:
- 3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not the Council or a person over which the Council exercises Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and
 - 3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation in conformity with the Treaty on the Functioning of the European Union, which do not exert a decisive influence on the Company).
- 3.9 If any of the parties become aware that, for whatever reason, that the Company no longer fulfils any of the requirements of Regulation 12(4) of the Public Contracts Regulations 2015 (Teckal Non-Compliance) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other parties. Following such notification, the parties shall work together to ensure action is taken to either:

3.9.1 remedy the Teckal Non-Compliance; or

3.9.2 take steps to prevent such Teckal Non-Compliance occurring.

3.10 The Company will comply with the Seven Principles of Public Life (also known as the Nolan Principles). For the avoidance of doubt the Seven Principles of Public Life are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

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3.11 Where the Company enters into formal secondment agreements with Council employees, those employees are not permitted to make decisions on behalf of the Council except for those permitted by the Council.

3.9.2 3.12 The Company shall grant a right of access of information to the Council's Internal Auditors provided always that any information provided is held in confidence.

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4 **The Board of Directors**

4.1 The Board of Directors shall consist of not less than 3 Directors.

4.2 Board Meetings shall be held no less than 4 times per annum. All Board Meetings shall be held in the United Kingdom.

4.3 Unless otherwise agreed by all the Directors, not less than 5 Business Days' notice shall be given to each of the Directors of all Board Meetings. The notice convening a Board Meeting shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting. If any matter is not identified in reasonable detail the Board of Directors shall not decide on it unless all Directors agree in writing

4.4 The Deputy Leader of Council and the Chairman or Vice Chairman of Operational Services Committee are appointed as Observers to the Board.

4.5 The purpose of an observer is to add value to discussions, i.e. bring additional knowledge to the debate, at board meetings and provide reassurance to the shareholder, i.e. the Council, that the Board of Directors is meeting its obligations to the company and the shareholder.

4.6 Rights of the Observers

4.6.1 The Board of Directors shall notify the Observers of when meetings will be held;

4.6.2 The Observers may contribute to discussions at Board Meetings;

4.6.3 The Observers are not entitled to vote on any decision contemplated by the Board of Directors;

4.6.4 The attendance of Observers is not counted towards a quorum;

4.6.5 Observers will have access to board papers and minutes and must comply with confidentiality rules of the company; and

4.6.6 Observers cannot participate on matters where there is a direct conflict of interest related to their personal business.

5 Shareholder Committee

The Council's Operational Services Committee will act as the Shareholder Committee. The Shareholder Committee shall act in accordance with its terms of reference.

5.1 The Shareholder Committee shall have powers to make decisions in accordance with its terms of reference. The purpose of the Shareholder Committee shall be to:

- 5.1.1 recommend, where relevant, the appointment of the Chairman of the Board and approve best practice policies in relation to such an appointment;
- 5.1.2 receive, review, comment on and approve the Business Plan;
- 5.1.3 ~~review the financial performance~~ receive the Quarterly Management Accounts of the Company; and
- 5.1.4 make recommendations to the Council on how it should exercise the functions flowing from its ownership of Shares.

5.2 A Shareholder Committee Meeting shall be held no less than two times per annum.

5.3 The Chairman of the Shareholder Committee may call an extraordinary committee;

- (i) On giving not less than 6 Business Days' notice; and
- (ii) The Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place.

~~5.5 The Board of Directors shall send a report biannually to the Shareholder Committee. The report shall provide all information reasonably required for the Shareholder Committee to conduct an effective review of the following items:~~

~~5.5.1 the strategic risk assessment;~~

~~5.5.2 summary management accounts and key financial metrics including financial projections and variations.~~

~~For the avoidance of doubt, the list of items in this clause 5.5 is not exhaustive.~~

~~5.6~~5.4 Unless otherwise agreed by the Chairman of the Shareholder Committee appointed by the Council before a Shareholder Committee Meeting not less than 5 Business Days' notice shall be given to each of the members of the Shareholder Committee and to the directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting.

5.7 In addition to the Shareholder Committee, the Company will host an annual all Council Member Shareholder Seminar.

5.8 The Company will supply ~~all members~~ Members of the ~~Shareholder Committee~~ Council with the agendas and support papers provided to the Board of Directors and shall do so at the same time, as far as possible, as the relevant board receives those agendas and papers (except for minutes, which need only be supplied after signature). The Company will supply the members of the Shareholder Committee on request with all information and data

reasonably requested by the Shareholder Committee to enable it to reach an informed judgment on any matter within its purview.

- 5.9 The Managing Director and Chairman of the Board shall be required to attend the Shareholder Committee where the Annual Business Plan is to be approved. The Managing Director shall be required to attend any Shareholder Committee meeting where there is a matter for decision relating to the Company on the Agenda. All other meetings shall be attended by personnel authorised by the Board of Directors as necessary. The Company shall ensure that at least one representative shall attend each meeting of the Shareholder Committee who shall be a Director and qualified to address the issues on the agenda for the meeting.

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6 Reserved Matters (Matters requiring consent of the Council)

- 6.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement no Company Member shall, except with the prior consent of the Council, take any action or pass any resolution in respect of:
- 6.1.1 issuing or allotting any shares;
 - 6.1.2 granting any option or other interest (in the form of convertible securities or in any other form) over or in its share capital, redeeming or purchasing any of its own shares or effecting any other reorganisation of its share capital;
 - 6.1.3 altering in any respect its articles of association or the rights attaching to any of its shares;
 - 6.1.4 permitting the registration of any person as a Shareholder of the Company;
 - 6.1.5 re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
 - 6.1.6 applying for the listing or trading of any shares or debt securities on any stock exchange or market;
 - 6.1.7 forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not);
 - 6.1.8 amalgamating or merging with any other company or business undertaking; or
 - 6.1.9 passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
 - 6.1.10 changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
 - 6.1.11 appointing or removing any Director;

- 6.1.12 the grant of any power of attorney or the appointment of any agent, or the entry into any other agreement which devolves or transfers management control of the Company from the Board of Directors;
 - 6.1.13 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
 - 6.1.14 the entry into any service contract, terms of appointment or other agreement with a Director;
 - 6.1.15 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any key employee of, or consultant to, the Company at a rate in excess of £100,000 per annum;
 - 6.1.16 establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors;
 - 6.1.17 making any bonus payment to any director;
 - 6.1.18 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);
 - 6.1.19 changing its name or its registered office; or
 - 6.1.20 replacing or modifying the Business Plan;
 - 6.1.21 entering into an agreement to do any of the foregoing.
- 6.2 The Council is permitted to delegate (subject to its own formal approval process) any of the functions detailed in 6.1.1-6.1.21 to the Operational Services Committee, acting as the Shareholder Committee

7 Production of accounts and reports

- 7.1 The Company shall provide the information referred to in clause 7.2 to the Shareholder.
- 7.2 The Company shall instruct its accountants to prepare a balance sheet of the Company, as at the Annual Accounts Date each year and a consolidated profit and loss account of the Company, for the 12 month financial period ending on the Annual Accounts Date each year to be presented to the Shareholder within 3 calendar months after the end of the period to which such accounts relate. The Company shall appoint an independent auditor to audit the balance sheet and profit and loss account for 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.
- 7.4 All accounts referred to in this clause shall be prepared in pounds sterling and in accordance with applicable law and generally accepted accounting standards, principles and practices in the United Kingdom.

7.4 7.5 The Company shall provide an Annual Governance Statement to the Shareholder and this shall be supplied at the same time as the information required in clause 7.3. The

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[Annual Governance Statement shall include the key risks for the Company in the forthcoming year and set out the process for escalating the risks to the Council where these affect the Council as the Shareholder.](#)

8 **Anti-corruption**

8.1 In this clause:

Adequate Procedures means adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance issued by the Secretary of State under section 9 of the Bribery Act 2010;

Associated Person means in relation to a party to this Agreement, any person (including an officer, employee, agent or Subsidiary Undertaking) who performs services for or on behalf of that party;

Corrupt Activity means extortion, fraud, deception, collusion, cartels, abuse of power, embezzlement, trading in influence, money-laundering or any similar activity including without limitation any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 Bribery Act;

8.2 Each party declares and undertakes to the other parties that:

8.2.1 it has not and will not in relation to the Company or the operation of the Business, engage in any Corrupt Activity;

8.2.2 it will not authorise or acquiesce in or turn a blind eye to, any Corrupt Activity;

8.2.3 it has and will maintain in place, or in the case of the Company it will put and maintain in place, Adequate Procedures designed to prevent any Associated Person from undertaking any conduct that would give rise to an offence under section 7 of the Bribery Act 2010;

8.2.4 it has not and will not engage in any activity, practice or conduct which could place the Company or any other party in breach of section 7(1) Bribery Act;

8.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause ~~8.28-2~~ and will provide any information reasonably requested by the other party in support of such compliance; and

8.2.6 it will ensure that its Associated Persons will comply with its commitments under this clause 8.

9 **No fetter**

Nothing in this Agreement shall operate to bind the Company or any Council to the extent that it constitutes an unlawful fetter on any statutory power of the Company or the Council.

10 **Duration and termination**

10.1 This Agreement shall continue in full force and effect, unless otherwise agreed in writing by the Council, provided that this Agreement shall cease to have effect as regards any

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Shareholder who ceases to hold any Shares in the Company, except for any provisions which are expressed to continue in force thereafter.

10.2 Termination of this Agreement pursuant to this clause shall not release any party from any liability which at the time of termination has already accrued to another party or which may accrue after termination of this Agreement in respect of any act or omission prior to such termination.

11 Confidentiality

11.1 This clause applies to:

11.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to one of the other parties whether before or after the date of this Agreement;

11.1.2 any information concerning the business affairs of one party or other information confidential to that party which one of the other parties learns as a result of the relationship between the parties pursuant to this Agreement;

including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).

11.2 In this clause, in relation to a particular item of Confidential Information:

11.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and

11.2.2 the **Receiving Party** means the other party.

11.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:

11.3.1 keep the Confidential Information confidential;

11.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 11; and

11.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.

11.4 Notwithstanding clause ~~11.3~~11.311.3, the Receiving Party may disclose Confidential Information as follows:

11.4.1 to its professional advisers (each, a Recipient) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and

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- 11.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.
- 11.5 This clause 11 shall not apply to any Confidential Information which:
- 11.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through breach of this Agreement by the Receiving Party or any Recipient;
- 11.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or
- 11.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.
- 11.6 The Company acknowledges that the Council is subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation and shall facilitate the Council's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 11.7 and 11.10.
- 11.7 If a Council receives a Request for Information in relation to Information that the Company is holding and which the Council does not hold itself, the Council shall refer to the Company such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the Company shall:
- 11.7.1 provide the Council with a copy of all such Information in the form that the Council requires as soon as practicable and in any event within 10 Business Days (or such other period as the Council acting reasonably may specify) of the Council's request; and
- 11.7.2 provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.
- 11.8 Following notification under clause 11.7, and up until such time as the Company has provided the Council with all the Information specified in clause 11.7, the Company may make representations to the Council as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Council shall be responsible for determining, at its absolute discretion:
- 11.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and
- 11.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the Company respond directly to a Request for Information.

11.9 The Company acknowledges that (notwithstanding the provisions of clause 11.1) the Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under part I of the Freedom of Information Act 2000, be obliged under the FOIA or the Environmental Information Regulations to disclose Information concerning the Company:

11.9.1 in certain circumstances without consulting with the Company; or

11.9.2 following consultation with the Company and having taken its views into account.

11.10 The Company shall transfer to the relevant Council any Request for Information received by it as soon as practicable and in any event within 3 Business Days of receiving it.

11.11 The Company acknowledges that any lists provided which list or outline Confidential Information are of indicative value only and that the Council may nevertheless be obliged to disclose Confidential Information in accordance with clause 11.9.

12 **General**

12.1 Except where this Agreement provides otherwise, each party shall pay its own costs relating to or in connection with the negotiation, preparation, execution and performance by it of this Agreement and of each agreement or document entered into pursuant to this Agreement and the transactions contemplated by this Agreement.

12.2 No variation of this Agreement shall be valid unless it is in writing and signed by or on behalf of each of the parties.

12.3 No delay, indulgence or omission in exercising any right, power or remedy provided by this Agreement or by law shall operate to impair or be construed as a waiver of such right, power or remedy or of any other right, power or remedy.

12.4 No single or partial exercise or non-exercise of any right, power or remedy provided by this Agreement or by law shall preclude or restrict any other or further exercise of such rights, power or remedy or of any other right, power or remedy.

12.5 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.

12.6 A waiver of a breach of any of the terms of this agreement or of a default under this Agreement will not prevent a party from subsequently requiring compliance with the waived obligation.

12.7 The rights and remedies provided by this Agreement are cumulative and are not exclusive of any rights, powers or remedies provided by law.

12.8 If any provision of this Agreement is or becomes illegal, invalid or unenforceable under the law of any jurisdiction, that shall not affect or impair:

12.8.1 the legality, validity or enforceability in that jurisdiction of any other provision of this Agreement; or

12.8.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this Agreement.

12.9 This Agreement, and the documents referred to in it, constitute the entire agreement and understanding between the parties and supersede any previous agreement, understanding or arrangement between the parties relating to the subject matter of this Agreement.

12.10 Each of the parties acknowledges and agrees that:

12.10.1 in entering into this Agreement, and the documents referred to in it, it does not rely on, and shall have no remedy in respect of, any statement, representation, assurance, warranty or understanding of any person (whether party to this Agreement or not) other than as expressly set out in this Agreement or those documents;

12.10.2 the only remedy available to it arising out of or in connection with this Agreement or its subject matter shall be for damages for breach of contract under the terms of this Agreement;

12.10.3 nothing in this clause shall operate to limit or exclude any liability for fraud.

12.11 No person who is not a party to this Agreement shall have any right to enforce this Agreement or any agreement or document entered into pursuant to this Agreement pursuant to the Contracts (Rights of Third Parties) Act 1999.

13 **Assignment**

This Agreement is personal to the parties and neither party shall assign, transfer, charge, make the subject of a trust or deal in any other manner with this Agreement or any of its rights or obligations under it, or purport to do any of the same, nor sub-contract any or all of its obligations under this Agreement without the prior written consent of the other party save where the Council's function are transferred or assigned to a successor body. Each party is entering into this Agreement for its benefit and not for the benefit of another person.

14 **No partnership or agency**

Nothing in this Agreement is intended to or shall operate to create a partnership, or to authorise any party to act as agent for any other or to establish any other fiduciary relationship between the parties. No party shall have authority to act in the name or on behalf of or otherwise to bind any other party in any way (including but not limited to the making of any representation or warranty, the assumption of any obligation or liability and the exercise of any right or power).

15 **Notices**

15.1 Any notice or other communication given under this Agreement:

15.1.1 shall be in writing;

15.1.2 shall be signed by or on behalf of the party giving it;

15.1.3 shall be served by delivering it by hand or sending it by pre-paid recorded delivery or registered post or by fax at the address or fax number set out in clause

15.215.2 of the party due to receive it and marked for the attention of the person named in clause 15.215.2 (or at such other address in the United Kingdom or fax number or marked for the attention of such other person as last notified in writing to the other parties;

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15.1.4 shall be deemed to have been received:

- (a) if delivered by hand, at the time of actual delivery;
- (b) in the case of pre-paid recorded delivery or registered post, two Business Days after the date of posting; and
- (c) in the case of fax, at the time of completion of transmission.

15.2 The addresses of the parties for the purposes of clause 15.115.1 are as set out at the beginning of this Agreement and the notice details and fax numbers are as follows:

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15.3 To prove delivery it shall be sufficient to prove that the envelope containing the notice was addressed to the address of the relevant party set out in clause 15.215.2 and delivered either to that address or into the custody of the postal authorities as a pre-paid recorded delivery, registered post or airmail letter, or that the notice was transmitted by fax to the fax number of the relevant party set out in clause 15.215.2.

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15.4 In this clause if deemed receipt occurs before 9am on a Business Day the notice shall be deemed to have been received at 9am on that day, and if deemed receipt occurs after 5pm on a Business Day, or on a day which is not a Business Day, the notice shall be deemed to have been received at 9am on the next Business Day.

15.5 For the avoidance of doubt, a notice or other communication given under this Agreement shall not be validly served if sent by e-mail.

16 Counterparts

This Agreement may be executed in any number of counterparts and by different parties on separate counterparts (which may be facsimile copies) but shall not take effect until each party has executed at least one counterpart. Each counterpart shall constitute an original, and all the counterparts together shall constitute a single agreement.

17 Applicable law

17.1 The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.

17.2 Each of the parties irrevocably agrees to submit to the exclusive jurisdiction of the courts of England and Wales in relation to any claim or matter arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing.

This Agreement has been executed on the date stated at the beginning of this Agreement.

The Common Seal of EAST CAMBRIDGESHIRE)
DISTRICT COUNCIL was hereunto affixed in)
the presence of: -)

Director Legal Services/Chief Executive

EXECUTED AS A DEED by East Cambs Street Scene)
Limited in the presence of:)

Director

Director/Secretary

Schedule 5: Partnership Management Protocol

1. MANAGING PERFORMANCE

- 1.1 East Cambs Street Scene ('ECSS') over an agreed period shall have responsibility for developing an integrated workflow system/financial management/performance management system with an appropriate asset management database that shall also interface with the Council's Customer Relationship System.
- 1.2 Production of Monthly Performance Reports shall be a key service requirement for ECSS and shall produce Quarterly Performance Reports for ECDC.
- 1.3 The Monthly Performance Reports will be reviewed by the ECSS Management Team.
- 1.3 The workflow system shall be directly linked to the Council's CRM system to allow access for key managers of the Council.
- 1.4 The ECSS Director Commercial and ECDC Director Operations shall review the Quarterly Performance Reports and confirm actions for inclusion in the annually drafted Business Plan or for immediate remedial action.
- 1.5 Weekly operational review meetings shall be conducted by ECSS with ECSS managers and supervisors to ensure that work instructions are carried through and that remedial action is taken.
- 1.6 ECSS's Operations Manager and Supervisors' roles shall be based on the following requirements:
 - They ensure all works completed are to the agreed standards.
 - Daily worksheets are issued that are monitored daily in terms of quantitative and qualitative performance.
 - They ensure current works are carried out to the correct quality and industry standards.
 - Health and Safety guidelines are met and exceeded where possible.
 - Teams remain effective and productive.
 - Identify problems and possible service failures before they occur.
 - Performance monitoring against the Service Development Plans and Performance Stretch Targets.
- 1.7 Performance targets shall be set by work area for work to be completed within a work cycle and work completed to set standards.
- 1.8 Work teams and individuals shall be constructively challenged if work targets and standards are not being met, non-performance shall not be accepted and actively managed.
- 1.9 Customers satisfaction shall be measured by work area against set performance targets which shall be part of the performance management process.

1.10 Performance shall be annually benchmarked against an agreed suite Performance Stretch Targets, Schedule 1.

2. MANAGEMENT OF THE SERVICE

2.2 Roles and Responsibilities:

Council Management	Roles and Responsibilities
<ul style="list-style-type: none"> • ECDC Director Operations (or an Officer nominated by ECDC Director Operations as appropriate) 	<p>Policy and strategy development for the waste and street scene services; and oversight of service delivery to include:</p> <ul style="list-style-type: none"> (i) Development of policies for the waste and street cleansing services against which the services are to be delivered. (ii) Development of strategies for the realisation of the agreed policies for the waste and street services. (iii) Leading consultation in respect to the development of policies and strategies for waste and street cleansing, with ECSS providing support when requested. (iv) Development and review of the Memorandum of Agreement against which ECSS is to deliver the Services, including reporting to Full Council as required. (v) Development of the service specifications, (Inc. availability criteria and performance standards) against which the service is to be delivered. (vi) Agreeing the Annual Management Fee for the delivery of the Services. (vii) Reporting Quarterly Performance to the Shareholder Committee

ECSS Management Team	Roles & Responsibilities
<ul style="list-style-type: none"> • ECSS Director Commercial • ECSS Head of Street Scene • ECSS Operations Manager • ECSS Transport & Depot Manager • ECSS Waste Development & Support Manager • ECSS Finance Manager 	<p>Operational and financial management of the Services to include:</p> <ul style="list-style-type: none"> (i) Day to organisation and delivery of the service. (ii) Realignment of resources and work programmes. (iii) Proposals for improvement and/or variations to the service. (iv) Management of frontline disciplinary and grievance matters. (v) Management of attendance of frontline staff. (vi) Financial control of budgets and monitoring of income targets. (vii) Collation of waste disposal statistics to comply with statutory requirements.

Council & ECSS Management	Shared Roles and Responsibilities
<ul style="list-style-type: none"> • ECDC Director Operations • ECSS Director Commercial • ECSS Head of Street Scene 	<p>The strategic management of the Services and operational overview of service delivery to include:</p> <ul style="list-style-type: none"> (i) Quarterly monitoring, review and planning of future service delivery. (ii) Quarterly review of performance information and financial outturns against the annual budget envelop. (iii) Monitoring performance against the Annual Business Plan. (iv) Monitoring of Cambridgeshire County Council waste disposal arrangements in respect to their potential impact on collection services. (v) Negotiation of the annual Service Level Agreements for support services.

3. CORPORATE GOVERNANCE

- 3.1 Based on the roles and responsibilities set out in Section 2 above detailed below are the governance arrangements for the development and delivery of the waste and street cleansing services.

Council: Shareholder

Operational Services Committee: Development and oversight of policies, strategies and performance for the waste & street cleansing services.

Shareholder Committee (Operational Services Committee): Oversight of East Cambs Street Scene against the Shareholder Agreement.

ECDC Director of Operations – the Corporate Client: Development of policies and strategies for the waste and street cleansing services; setting of the annual budget envelop for the services; and oversight of the performance of the waste and street cleansing services.

Council Management and ECSS Management: Shared performance review of the services; agreeing shared work programmes; and planning of future service delivery.

ECSS Director Commercial: Operational and financial management of the waste and street cleansing services, with full responsibility for service delivery within the set budget envelop.

4. ACHIEVEMENT OF AUTHORITY OBJECTIVES

- 4.1 The Annual Business Plan shall be structured to deliver Council's objectives and prepared to an agreed format.

5. LIVERY AND LOGOS

- 5.1 The Council and ECSS shall have equal representation/acknowledgement in the branding/livery of vehicles and uniforms.

6. THE WORK VALUES FOR SERVICE MANAGEMENT

- 6.1 The following work values shall be adopted ECSS:

- Positive Outlook.
- Leadership and Involvement.

- Honesty and Openness.
- Staff Development.
- Respect in a caring environment.

6.3 All staff shall have Key Result Areas set for them which shall not only direct their on-going work but also as the basis of staff development and linked to the training matrix and individual objectives setting for staff.

7. PRODUCTIVITY LEVELS

7.1 Productivity levels are the responsibility and risk of ECSS to ensure delivery to agreed standards and to achieve set performance targets.

8. TRADE UNION INVOLVEMENT WITH THE SERVICES

8.1 The work values for the service shall be extended to the on-going working relationship with trade unions.

8.2 A written facilities agreement shall be negotiated with trade unions that gives full recognition and includes:

- A structure for meetings with trade unions.
- A structure for workforce meetings.
- The procedures and protocol for shop stewards undertaking their duties.
- The legal responsibilities of being a Safety Steward shall be rigorously enforced and involve monthly safety meetings.

9. HEALTH AND SAFETY ROLES AND RESPONSIBILITIES

9.1. Health and safety liabilities are the responsibility of ECSS.

9.2. ECSS shall adopt the following KPI's for health and safety against which the performance of ECSS shall be monitored.

- Number of RIDDOR incidents;
- Number of days lost due to a health and safety incident.

10. FINANCIAL ARRANGEMENTS

10.1 Monthly 'open book' statement based on an agreed proforma shall be produced monthly to be reviewed by the ECDC Director Finance and ECSS Finance Manager.

11. VEHICLES, PLANT AND EQUIPMENT

11.1. Vehicles, plant and equipment shall be either:

- a) Provided and maintained through ECSS at its own cost
- b) Provided through the Council and be subject to fleet hire charges being at market rates and on market conditions for the repayment of any debt for the vehicles provided.

11.2 ECSS shall carry out training in the use of all plant, equipment and vehicles at the start of the new service delivery arrangements and periodically thereafter.

11.3. Vehicles, plant and equipment shall be subject to on-going risk assessments to ensure the most appropriate vehicles, plant and equipment are being used.

12. DEPOT FACILITIES

12.1. The Portly Hill depot facility shall be used by ECSS and provided by the Council at an agreed rate that reflects market conditions.

13. SUPPORT SERVICES PROVIDED BY THE COUNCIL

13.1 The Council shall provide the following support services to ECSS during the Contract:

- ICT;
- Finance (including Audit);
- Payroll;
- Corporate Human Resources;
- Operational Human Resources;
- Management Support Services.

13.2 All Support Services Service Level Agreements shall be subject to annual review by the Council and Company in terms of the value for money that they deliver.

**Cambridgeshire and Peterborough Combined Authority:
Membership and Other Appointments**

Meeting: Council

Date: 23 May 2024

Author: Chief Executive

1.0 Issue

1.1 This report requests the Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2024/2025.

2.0 Recommendations

2.1 Members are requested to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2024/25:

- (a) appoint the Leader of Council to act as the Council's appointee to the Combined Authority and one substitute member;
- (b) nominate two members (Councillor David Brown from the Conservative Party and Councillor Charlotte Cane from the Liberal Democrat Party) to the Overview and Scrutiny Committee, and two substitute members from the same political parties as those appointed;
- (c) nominate one member from the Conservative Party to the Audit and Governance Committee and one substitute member from the same political party.

2.2 That the Chief Executive be authorised to make any amendments to the appointments to the Overview and Scrutiny Committee and the Audit and Governance Committee in consultation with the Political Group Leaders, if the political balance is amended by the Combined Authority between now and the next Council meeting.

3.0 Background

3.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority. Each Council made these appointments at its respective Council meeting in May 2017 for the 2017/18 municipal year and is requested to do so for each subsequent municipal year. The Council is now asked to appoint members and substitute members for the municipal year 2024/25.

Non-Executive Committees

3.2 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires the Combined Authority to establish an Overview and Scrutiny Committee and an Audit Committee. The Order sets out the rules for membership. The membership of the Overview and Scrutiny and the Audit Committees as a whole should reflect so far as reasonably practicable the balance of political parties of the constituent councils when taken together. The balance is based on membership of political parties, not political groups, on constituent councils across Cambridgeshire and Peterborough.

3.3 On 2 May 2024, there were local elections for the Cambridge City Council and Peterborough City Council. The Combined Authority has reviewed the political balance on constituent

councils and has requested constituent councils to make the following appointments to these committees.

Overview and Scrutiny Committee

- 3.4 The Combined Authority agreed that to ensure an equitable representation across each constituent authority, two members from each council should be appointed to the Overview and Scrutiny Committee representing a total membership of fourteen members.
- 3.5 The implications of applying political proportionality to a fourteen-member Overview and Scrutiny Committee are detailed in Appendix 1.
- 3.6 The Council is required to nominate two members to the Overview and Scrutiny Committee for the municipal year 2024/25 based on the political balance set out in Appendix 1. The Conservative Group have nominated Councillor David Brown and the Liberal Democrat Group have nominated Councillor Charlotte Cane.

Audit and Governance Committee

- 3.7 The Combined Authority agreed to establish an Audit and Governance Committee consisting of seven constituent members: one member from each constituent council.
- 3.8 The implications of applying political proportionality to a seven-member Audit and Governance Committee are detailed in Appendix 1. The Council is required to nominate one member from the Conservative Party to sit on the Audit and Governance Committee for the municipal year 2024/25 based on the political balance set out in Appendix 1.

Substitute Members

- 3.9 The Combined Authority has agreed that substitute members should be appointed for each position on the Audit and Governance Committee and the Overview and Scrutiny Committee. Any substitute members should come from the same party as the Member they are substituting for to maintain political balance.
- 3.10 For the Overview and Scrutiny Committee, if constituent councils have appointed members from the same political parties, those Councils might only wish to appoint one substitute rather than two. The quorum set down in legislation is two thirds of the total membership. Therefore, it is preferable to appoint two members in case both members are absent from a meeting and need to substitute.

Conclusion

- 3.11 All appointments and nominations made by constituent councils will be reported to the Combined Authority's annual meeting on 5 June 2024.
- 3.12 The political balance calculations in the Appendices are based on up-to-date statistics given by constituent councils and take account of the outcome of the local elections that took place on the 2 May 2024. However, there may be last minute changes in the lead up to constituent councils' annual meetings and Combined Authority's annual meeting on 5 June 2024
- 3.13 If there are consequential changes to the overall political balance, the Combined Authority may need to review the membership and the allocation of seats to political parties on the above committees. The Monitoring Officer will advise constituent councils if any subsequent changes have been necessary, and whether any changes need to be made to their nominations.
- 3.14 If there is no provision in constituent council's standing orders, the Council may wish to consider giving delegated powers for the Chief Executive to approve any consequential changes to these appointments in consultation with the relevant Party Group leaders.

4.0 Financial Implications/ Quality Impact Assessment

4.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, no remuneration is to be payable by the Combined Authority to its members.

5.0 Legal Implications

5.1 These are set out in the report. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires a combined authority to ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together.

6.0 Appendices

6.1 Appendix 1 – Overview and Scrutiny Committee political balance calculations.

Audit and Governance Committee political balance calculations.

6.3 Accessible versions of the appendices are available on request from Democratic.Services@cambridgeshirepeterborough-ca.gov.uk

7.0 Background Documents

7.1 None

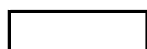
APPENDIX 1

**Audit and Governance Committee of Seven
POLITICAL BALANCE ACROSS THE COUNTY as at 3 May 2024**

	Total	Vacancy	Conservative	Labour	Liberal Democrats	Independent	Green	St. Neots Independent	Peterborough First	Total (exc. Ind)	Entitlement
CAMBRIDGESHIRE	1		22	9	23	6		1		55	1 Liberal Democrat
CAMBRIDGE CITY	1		1	25	10	1	5			41	1 Labour
EAST CAMBS.	1		15		13					28	1 Conservative
FENLAND	1		35		2	6				37	1 Conservative
HUNTINGDONSHIRE	1		20	4	12	15	1			37	1 Conservative
PETERBOROUGH	1		11	19	8	4	4		14	56	1 Liberal Democrat
SOUTH CAMBS.	1		9		35	1				44	1 Liberal Democrat
TOTAL	7	0	113	57	103	33	10	1	14	298	
POLITICAL BALANCE %			37.92	19.13	34.56		3.36	0.34	4.70		
Seat allocation			3	1	2	0	0	0	0	7	
Committee seat allocation	7		2.6544	1.3389	2.4195	0	0.2349	0.02349	0.32886		

**Overview and Scrutiny Committee of 14
POLITICAL BALANCE ACROSS THE COUNTY as at 3 May 2024**

	Total	Vacancy	Conservative	Labour	Liberal Democrats	Independent	Green	St. Neots Independent	Peterborough First	Total (exc. Ind)	Entitlement
CAMBRIDGESHIRE	2		22	9	23	6		1		55	1 Con; 1 Lib Dem
CAMBRIDGE CITY	2		1	25	10	1	5			41	2 Lab
EAST CAMBS.	2		15		13					28	1 Con; 1 Lib Dem
FENLAND	2		35		2	6				37	2 Con
HUNTINGDONSHIRE	2		20	4	12	15	1			37	1 Con; 1 Lib Dem
PETERBOROUGH	2		11	19	8	4	4		14	56	1 Lab; 1 Peterborough First
SOUTH CAMBS.	2		9		35	1				44	2 Lib Dem
TOTAL	14	0	113	57	103	33	10	1	14	298	
POLITICAL BALANCE %			37.92	19.13	34.56		3.36	0.34	4.70		
Seat allocation			5	3	5	0	0	0	1	14	
Committee seat allocation	14		5.30872	2.6779	4.8389	0	0.4698	0.047	0.6577		





**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Reports from Constituent Council Representatives on the Combined Authority

The following meetings have taken place in March 2024

Skills and Employment Committee, 4 March 2024

Councillor **XX**

Decision Summary Link: [Skills and Employment Committee \(March\)](#)

Business Board, 4 March 2024

Councillor **XX**

Decision Summary Link: [Business Board \(March\)](#)

Audit and Governance Committee, 8 March 2024

Councillor **XX**

Decision Summary Link: [Audit and Governance Committee \(March\)](#)

Human Resources Committee, 8 March 2024

Councillor **XX**

Decision Summary Link: [Human Resources \(8 March\)](#)

Environment and Sustainable Communities Committee, 11 March 2024

Councillor **XX**

Decision Summary Link: [Environment and Sustainable Communities Committee \(March\)](#)

Human Resources Committee, 13 March 2024

Councillor **XX**

Decision Summary Link: [Human Resources Committee \(13 March\)](#)

Transport and Infrastructure Committee, 13 March 2024

Councillor **XX**

Decision Summary Link: [Transport and Infrastructure Committee \(March\)](#)

Human Resources Committee, 14 March 2024

Councillor **XX**

Decision Summary Link: [Human Resources Committee \(14 March\)](#)

Overview and Scrutiny Committee, 18 March

Councillor **XX**

Decision Summary Link: [Overview and Scrutiny Committee \(March\)](#)

Combined Authority Board, 20 March

Councillor **XX**

Decision Summary Link: [Combined Authority Board \(March\)](#)



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in, with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from Nitin Patel, Business Board Representative.
No declarations of interest were made.

2 Minutes and Action Log

The minutes of the meeting on the 15 January 2024 were approved as an accurate record.
The action log was noted by the Committee.

3 Public Questions

No public questions were received.

4 Combined Authority Forward Plan

RESOLVED

- a) That the Combined Authority Forward Plan be noted.

5 Improving Efficiency and Effectiveness (Adult Education Budget)

RESOLVED

The members of the Employment and Skills Committee resolved to;

- a) Note and scrutinise actions that will improve the efficiency and effectiveness of how the CPCA utilises its devolved Adult Education Budget funding.
- b) Recommend that the Combined Authority Board approves:
 - The in-year amendments for existing providers which include growth requests for high-performing providers and reprofiling of funding where providers have underperformed
 - The establishment of a flexible Innovation Fund, allowing us to respond to regional activities that underpin the priorities identified within the Employment and Skills strategy.
- c) Delegate authority to the Assistant Director, Skills, in consultation with the Chief Finance Officer and Monitoring Officer to:
 - enter into grant funding agreements and/or service contracts with training providers to deliver Innovation Fund project activity. This can either be with new (following a procurement exercise) or existing providers
 - extend and /or vary contracts with existing providers where appropriate.

6 Career Hub – Academic Year 24/25

RESOLVED

- a) To note the anticipated Careers and Enterprise Company (CEC) grant funding for the academic year of 2024/25.
- b) To note we are working to identify CPCA match funding, and we anticipate a paper to the CA Board to:
 - Accept the CEC funding offer, and allocate the match funding

- Accept future grant funding that is awarded by the Careers and Enterprise Company (CEC) in addition to core funding, up to the value of £150,000 for projects aligned to strategic priorities
- Delegate authority to the Interim Director of Skills, in consultation with the Chief Finance Officer and Monitoring Officer to enter into contracts and grant funding agreements

Grant funding is expected to be in the sum of approx. £310,000 for the academic year 2024/2025.

7 Adult Education Budget: Audit and Assurance Update

RESOLVED

- a) To note the Audit results for 2022/23
- b) To note the Audit approach for 2023/24

8 Employment and Skills Board Update

The verbal update was noted by the Committee

9 Budget and Performance Report

RESOLVED

- a) To note the financial position of the Skills division for the financial year 23/24 to January 2024

10 Skills and Employment Committee Agenda Plan

RESOLVED

- a) To note the Agenda Plan

11 Date of next meeting

The date of the next meeting was confirmed as Monday 17 June 2024

Notes:

- a) Statements in **bold type** indicate additional resolutions made at the meeting.
- b) Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, thematic committee or an Officer for scrutiny by notifying the Monitoring Officer, except for any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

For more information contact Democratic Services: democratic.services@cambridgeshirepeterborough-ca.gov.uk



Business Board: Decision Summary

Meeting: 4 March 2024

Published: 7 March 2024

1.1 Apologies for Absence and Declarations of Interest

Apologies for absence were received from Nitin Patel. No declarations of interest were made.

1.2 Minutes of previous meeting

The minutes of the meeting held on 15 January 2024 were approved as a correct record and signed by the Chair.

The Business Board noted the Minutes Action Log.

1.3 Appointment of New Private Sector Members on the Business Board

It was resolved to:

- a) Note the appointment of three new private sector members of the Business Board
- b) Appoint Nitin Patel as the Vice Chair of the Business Board

1.4 Business Board Governance

It was resolved to:

- a) Approve the Terms of Reference (attached at Appendix A) for submission to the CPCA Board for consideration and adoption within the CPCA Constitution
- b) Request CPCA to bring role profiles to the next meeting of the Business Board in line with the roles set out in 2.6 for consideration and approval.
- c) Request CPCA Officers to undertake the necessary actions in order to deliver the cadence for meetings set out in 2.9 to 2.13
- d) Endorse the responses set out in 2.14 and 2.15 to the CPCA Board requests for formal response to the CPCA Board.
- e) Recommend the good practice identified in 2.17 to the CPCA Board for implementation by CPCA Officers.

2.1 Combined Authority Forward Planning

The Chair asked members of the Business Board to flag any topics with officers that they feel it would be beneficial for the board to discuss or hold a specialised session around.

2.2 Business Board Chair's Update

The Chair updated the Board on important meetings that had taken place since the last Business Board meeting. He also confirmed that representation is being sought on internal and external committees and asked members to put themselves forward.

2.3 Business Board Feedback from the Thematic Committees

Verbal updates were received from the Business Board representatives on the Combined Authority's Thematic Committees.

2.4 CPCA Director's Update

The Executive Director for Economy and Growth updated the Board on items of interest national and locally since the last meeting.

3.1 Budget and Performance

It was resolved unanimously to:

- a) Note the financial position of the Business Division for the financial year 23/24 to January 2024.

3.2 Business Growth and Social Impact Investment Fund Update

It was resolved unanimously to:

- a) Note the updates contained within this report

3.3 UK Shared Prosperity Fund and Rural England Prosperity Fund Update

It was resolved unanimously to:

- a) Note the updates contained within this report

4.1 Update regarding Smart Manufacturing Alliance

An update was given to the Board regarding the Smart Manufacturing Alliance



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in, with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

No apologies received.

No declarations of interest were made.

No announcements were made.

2 Minutes of the Previous Meetings

RESOLVED (UNANIMOUS)

A That the minutes of the Human Resources Committee held on 16 November 2023 be approved as an accurate record.

3 HR Policies

RESOLVED (UNANIMOUS)

A To approve the amendments to the HR Policies set out in paragraph 3.5 and 3.6 of the report.

B To approve the proposed new HR Policy set out in paragraph 3.7 of the report.

4 Exclusion of the Press and Public

RESOLVED (UNANIMOUS)

Exclude the press and public from the discussion of Agenda Item 5 and 6 (Shortlisting for the Role of Executive Director for Resources and Performance, and Shortlisting for the Role of Director for Legal and Governance and Monitoring Officer, on the basis that this would involve the discussion of exempt information relating to the employment status of individuals as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972.

5 Shortlisting for the role of Executive Director for Resources and Performance

RESOLVED (UNANIMOUS)

A Recommend the shortlisting of two candidates to go forward to interview for the role of Executive Director for Resources and Performance.

6 Shortlisting for the role of Director for Legal and Governance and Monitoring Officer

RESOLVED (UNANIMOUS)

A Recommend the shortlisting of two candidates to go forward to interview for the role of Director for Legal and Governance and Monitoring Officer



1 Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from Cllr Harvey.

No declarations of interest were made.

2 Chair Announcements

The Chair put on record his thanks to Nick Bell who would be retiring at the end of this municipal year – his work with the committee and effort and achievement on the CPCA improvement journey had been incredibly valuable to the Committee.

3 Minutes and Action Log

The minutes of the meeting held on 26th January 2024 were approved as a correct record subject to the following amendment:

Cllr Corney was not in attendance at the meeting as the minutes currently stated.

The action log was noted by the Committee.

4 External Audit

RESOLVED

- a) To note the External Auditors Annual report.
- b) to note the response to the DLUHC consultation on addressing the Local Audit backlog in England.

5 Improvement Report

RESOLVED

- a) Note the identified areas of ongoing concern set out in the Best Value Notice received in January 2024 attached as Appendix 1.
- b) Note the closedown of activity in the current improvement plan (phase 2).
- c) Note the approach to finalise the phase 3 improvement plan to reflect the ongoing concerns set out in the Best Value Notice received in January 2024 to be submitted to the CA Board on 20 March 2024 for agreement.
- d) Note the draft revised terms of reference for the Independent Improvement Board going forward, to reflect the delivery of stated areas of improvement identified by the Best Value Notice received in January 2024.

6 Corporate Risk Register

RESOLVED

- a) To note the February 2024 Corporate Risk Report including the Register, Dashboard and Heat Map in Appendix 1-3.
- b) To note the update on progress of the Risk Software implementation
- c) To note the plan for risk deep dives

7 Internal Audit – Progress Report

RESOLVED

- a) To comment and note the report

8 Internal Audit Plan

RESOLVED

- a) To comment and note the report

9 Adult Education Budget Update

RESOLVED

- a) Note the Audit results for 2022/23
- b) Note the Audit approach for 2023/24

10 Constitutional Review – Changes to Code of Conduct & review of Committees Terms of Reference

The Committee RESOVLED:-

- a) The committee considered the Terms of Reference and determined there was no need for any changes.
- b) The Committee recommend to the Combined Authority Board that the Local Government Model Code of Conduct be adopted in full along with the associated guidance on the Model Code of Conduct.
- c) The committee agreed that the associated guidance on complaint handling should be adopted in full.
- d) The Committee considered the comments received from a CA Board member and resolved to:
 - (i) Receive a report on whistleblowing and code of conduct process brought to the A&G meeting in December following the adoption of the model code of conduct.
 - (ii) Request that officers work with the internal auditors to review safeguarding as a possible addition to the internal audit plan and report back to the committee.
- e) Request that the Monitoring Officer write to the CA Board on behalf of committee in agreement with the Chair on the Committees view on the sanctions available to the hearing panel.

11 Shareholder Board Update

RESOLVED

- a) Note the update regarding the shareholder board

12 A&G Draft Annual Report

RESOLVED (UNANIMOUS):

- a) That the annual reported should be amended as discussed earlier in the meeting and that officers do further work and circulate to the committee before it is submitted to the Board at its AGM in June.

13 Audit and Governance Work Programme

RESOLVED

a) Note the draft work programme for the Audit and Governance Committee for the 2024/25 municipal year attached at Appendix 1

14 Date of next meeting

The date of the next meeting was confirmed as Thursday 20th June.



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1 Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from Cllr Elsey who was substituted by Cllr Day.
No declarations of interest were made.

2 Minutes and Action Log

The minutes of the meeting on 22 January 2024 were approved as an accurate record.
The action log was noted by the Committee.

3 Public Questions

One public question had been received. The question was read out at the meeting by the Governance Manager and the Chair gave a response. Both question and response have been published on the CPCA website, under additional meeting documents.

4 Combined Authority Forward Plan

RESOLVED

a) To note the Combined Authority Forward Plan

5 Director's Highlight Report

RESOLVED

a) To note the Director's Highlight Report

6 Affordable Housing Programme – Update on Implementation

RESOLVED

a) To note the update in the report

7 Huntingdonshire Biodiversity For All Programme Update

The Committee received a presentation on the Huntingdonshire Biodiversity For All programme.

8 Climate Action Plan Review

RESOLVED

- a) To agree the revisions to the Climate Action Plan 2022-2025 actions as set out in Appendix A, and delegate authority to the Executive Director, Place and Connectivity to approve relevant changes to the supporting text of the Plan prior to publication.
- b) To comment on the proposed approach to developing the capital and revenue climate programme as agreed in the MTFP.
- c) To agree £50,000 in FY2024/25 and £120,000 in FY 2025/26 from the Subject to Approval revenue budget allocation for Natural Cambridgeshire, delegating authority to the

Executive Director Place and Connectivity to consider and approve a revision to the existing grant funding agreement

- d) To agree £60,000 in both FY2024/25 and FY 2025/26 from the Subject to Approval revenue budget allocation for Fenland Soil, delegating authority to the Executive Director Place and Connectivity to consider and approve an extension to the existing grant funding agreement

9 Care Homes Retrofit Programme Update

RESOLVED

- a) Approve that the Care Homes Retrofit Programme delivery continues to December 2025.

Additional recommendation: (unanimous)

- b) That the Care Home Retrofit Programme be capped at £400k with delegated decision making to be given to the Executive Director for Place and Connectivity to amend that figure once the full extent of the spend is clear.

10 Budget and Performance Report – January 2024

RESOLVED

- a) To note the financial position of the Environment and Sustainable Communities Division for the financial year to January 2024

11 Environment and Sustainable Communities Committee Agenda Plan

RESOLVED

- a) To note the Committee Agenda Plan

12 Date of next meeting

The date of the next meeting was confirmed as Wednesday 19 June 2024.



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in, with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

Apologies received from Cllr Anna Smith substituted by Cllr Mike Davey

No declarations of interest were made.

No announcements were made.

2 Minutes of the Previous Meetings

RESOLVED (UNANIMOUS)

A That the minutes of the Human Resources Committee held on 8th March 2024 be approved as an accurate record.

3 Date of the next meeting

3.1 Date of the next meeting was 14th March at 10am for the interviews for the role of Director for Legal and Governance and Monitoring Officer.

4 Exclusion of the Press and Public

4.1 RESOLVED (UNANIMOUS)

Exclude the press and public from the discussion of Agenda Item 5 Interviews for the Role of Executive Director for Resources and Performance, on the basis that this would involve the discussion of exempt information relating to the employment status of individuals as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972.

5 Interviews for the role of Executive Director for Resources and Performance

5.1 RESOLVED (UNANIMOUS)

A Recommend the preferred candidate for the role of Executive Director for Resources and Performance to the CA Board on the 20th March for noting.



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in, with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from the Mayor, Dr Nik Johnson.

Cllr Seaton declared an interest as he was a trustee of FACT Community Transport. This was deemed a non-pecuniary interest and therefore would not affect his participation in items on the agenda.

2 Minutes and Action Log

The minutes of the meeting on 17 January 2024 were approved as an accurate record.

The action log was noted by the Committee.

3 Public Questions

6 public questions had been received and were published on the CPCA website, under additional meeting documents.

4 Combined Authority Forward Plan

RESOLVED

A. To note the Combined Authority Forward Plan

5 Director's Highlights Report

RESOLVED

A. To note the Director's highlight report

6 E-Scooter Trial Update

RESOLVED: (UNANIMOUS)

A. To recommend to the Combined Authority Board to approve the extension of the e-scooter trial to 31 May 2026.

B. To approve in principle to submit to the Department for Transport (DfT) a proposed boundary change to the existing trial area.

7 LTCP and Associated Strategies

RESOLVED (UNANIMOUS)

A. To note the update on the Local Transport and Connectivity Plan (LTCP) and associated strategies and workstreams.

B. To recommend that the Combined Authority Board approve the reprofiling of the approved funding across the next 3 financial years as set out in 3.2.

C. To recommend to the Combined Authority Board to delegate authority to the Executive Director in consultation with the Chief Finance Officer and Monitoring Officer to enter into Grant Funding Agreements with Cambridgeshire County Council and Peterborough City Council to develop the strategies for 2024/25.

8 Transforming Cities Fund

RESOLVED (UNANIMOUS)

- A. To note the progress in the Transforming Cities Funds (TCF) projects and recognise the positive feedback from central government.
- B. To recommend that the Transport and Infrastructure Committee approve the projects listed at paragraph 3.10 of the report, as these projects have approval within the MTFP.
- C. To recommend to the Combined Authority to delegate authority to the Executive Director for Place and Connectivity in consultation with the Chief Finance Officer and Monitoring Officer to sign change requests with Cambridgeshire County Council and Peterborough City Council concerning TCF projects.
- D. To recommend to the Combined Authority to delegate authority to the Executive Director for Place and Connectivity in consultation with the Chief Finance Officer and Monitoring Officer to agree change of deeds to the Grant Funding Agreement with Cambridgeshire County Council and Peterborough City Council concerning TCF projects.
- E. To note the progress in managing the overarching TCF programme and recognise the positive feedback from central government.

9 A141 – update on progress and engagement

RESOLVED

- A. To note the update on A141 project progress and delivery including future engagement.

10 Bus Network Update

RESOLVED:

- A. To receive and consider the initial development work on the precept funded investment in bus services and demand responsive transport services
- B. To receive and consider the initial development work on the £1 youth fare scheme
- C. To note the update on network changes from commercial operators and CPCA's proposed approach
- D. To note the proposed methodology for improvements to targeted bus stops/shelters

11 Bus Reform

The Committee received a verbal update from the Executive Director, Place and Connectivity and the Assistant Director, Public Transport Services.

12 Budget and Performance Report – January 2024

RESOLVED

- A. To note the financial position of the Transport division for the financial year 23/24 to November 2023

13 Date of next meeting

The date of the next meeting was confirmed as Wednesday 26 June 2024.



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in, with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

Apologies received from Cllr Jackie Allen substituted by Cllr Lynne Ayres

No declarations of interest were made.

No announcements were made.

2 Exclusion of the Press and Public

RESOLVED (UNANIMOUS)

Exclude the press and public from the discussion of Agenda Item 3 (Interviews for the Role of Director for Legal and Governance and Monitoring Officer, on the basis that this would involve the discussion of exempt information relating to the employment status of individuals as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972.

5 Interviews for the role of Director for Legal and Governance and Monitoring Officer

RESOLVED (UNANIMOUS)

A Recommend the preferred candidate for the role of Director for Legal and Governance and Monitoring Officer to the CA Board on the 20th March for noting.



1 Apologies for Absence

Apologies from Cllr Fitzgerald sub by Cllr Coles (temporary sub) and Cllr Brown sub by Cllr Horgan, Cllr Neish and Cllr Maureen Davis

2 Declarations of Interest

No declarations of interest were made

3 Public Questions

No public questions were received.

4 Minutes and Action Log

The minutes of the meeting on 29th January were approved as an accurate record.
The action log was noted by the Committee.

5 Appointment of Skills Rapporteur

No appointment was made

6 Improvement Framework

RESOLVED

- a) Note the identified areas of ongoing concern set out in the Best Value Notice received in January 2024 attached as Appendix 1.
- b) Note the closedown of activity in the current improvement plan (phase 2).
- c) Note the draft phase 3 improvement plan to reflect the ongoing concerns set out in the Best Value Notice received in January 2024 to be submitted to the CA Board on 20 March 2024 for agreement.
- d) Note the draft revised terms of reference for the Independent Improvement Board going forward, to reflect the delivery of stated areas of improvement identified by the Best Value Notice received in January 2024.
- e) Note the progress on the 'Governance and decisioning making' improvement workstream

7 Corporate Performance Report

RESOLVED

- a) Scrutinise performance information relating to the Combined Authority's Corporate Key Performance Indicators.
- b) Scrutinise performance information relating to the Combined Authority's Most Complex Programmes and Projects.
- c) Scrutinise performance information relating to the Combined Authority's Headline Priority Activities.
- d) Note progress to evaluate the impact of the Devolution Deal Investment Fund in a Gateway Review

8 State of the Region

RESOLVED

- a) Note progress to develop the 2024 State of the Region review
- b) Note proposed further development in future years.

9 Performance Review: Skills Funded Provision 2022-23

RESOLVED

- a) For Members to note and comment

10 Climate Change

RESOLVED

The Committee scrutinised the activity on tackling the causes and impacts of climate change and agreed to recommend to the Environmental & Sustainable Communities Committee that the CPCA requires better evidence of likely project success before allocating funds and that officers recognise that reallocating underspent funds diminishes their value; it is important to strengthen project evaluation processes to ensure effective utilisation of allocated funds.

11 Bus Reform Update

RESOLVED

- a) To note the update

12 OSC Draft Annual Report

RESOLVED (UNANIMOUS):

- a) Comment on the draft Annual Report of the Chair of Overview and Scrutiny Committee for 2023/24 (Appendix 1) before it is submitted to the CA Board at its AGM on the 5 th June
- b) Approve the draft report subject to agreed changes

13 Combined Authority Forward Plan

RESOLVED

- a) To note and comment on the plan

14 O&S Committee Draft Work Programme

RESOLVED

- a) The Committee is requested to note the draft work programme for the municipal year 2024/25 as shown at Appendix 1 and discuss items for the work programme.
- b) The Committee is requested to note the proposed induction session on the 18th June and the work programming/ways of working workshop scheduled for 17th June

15 CA Board

RESOLVED

That the Committee should recommend to the CA Board under the Business Board recommendations that there was a need to define and communicate the specific responsibilities and expectations for the Business Board Representative at the Environment Committee and other committees to ensure consistent engagement.

16 Date of next meeting

The date of the next meeting was confirmed as Monday 1st July at Pathfinder House CPCA Meeting Room.



Any key decision/s set below will come into force and may be implemented after 5.00pm on the fifth clear working day after publication of the decision, unless they are called-in [see note on call in below], with the exception of any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

1 Announcements, Apologies for Absence and Declarations of Interest

Apologies for absence were received from Darryl Preston (John Peach substituting).
There were no declarations of interest.

2 Combined Authority Membership Update September 2023

It was resolved unanimously to:

- A Note the change in substitute Member from Cambridge City Council on the Combined Authority's Overview and Scrutiny Committee.
- B Note the change in appointment from South Cambridgeshire District Council on the Combined Authority's Overview and Scrutiny Committee.
- C Note the temporary change in substitute member from the Conservative Party on the Human Resources Committee on 8 14 March 2024.
- D Note the appointment of substitute member from South Cambridgeshire District Council on the Combined Authority's Overview and Scrutiny Committee.
- E Note the temporary change in substitute member from the Conservative Group on the Combined Authority's Overview and Scrutiny Committee on 18 March 2024.**

3 Minutes

The minutes of the meeting on 31 January 2024 were approved as an accurate record and signed by the Mayor.
The minutes action log was noted.

4 Petitions

One petition was received and presented to the Combined Authority Board in accordance with section 5.34 of the Constitution.

5 Public and Member Questions

Six questions were received in advance of the meeting in accordance with the procedure rules in the Constitution. A copy of the questions and responses can be viewed [here](#) when available.

6 Forward Plan

It was resolved to:

- A Approve the Forward Plan for March 2024

7 Combined Authority Chief Executive Highlights Report

It was resolved to:

- A Note the contents of this report.

8 Budget Update Report – March 2024

It was resolved to:

- A Note the financial position of the Combined Authority
- B Approve the provisional carry-forwards from 2023/24 into 2024/25
- ~~C Approve the allocation of £400k from additional treasury management income to fund the continued improvement workstream in 2024/25 as set out in section 6~~
- C Approve the allocation of £400k from additional treasury management income to fund the continuation of the improvement plan in 2024/25 as set out in section 6**
- D Approve the financial strategies for 2024/25 following review by the Audit and Governance Committee as summarised in section 7.

9 Improvement Plan Update

It was resolved to:

- A Note the identified areas of ongoing concern set out in the Best Value Notice received in January 2024.
- B Note the closedown of activity in the current Improvement plan (phase 2).
- C Agree the phase 3 Improvement plan to reflect the ongoing concerns set out in the Best Value Notice received in January 2024.
- D Agree the revised terms of reference for the Independent Improvement Board going forward, to reflect the delivery of stated areas of improvement identified by the Best Value Notice received in January 2024.

10 Bus Reform and Network Delivery Update

It was resolved to:

- A Note the progress with the franchising proposals including updates from the audit process of the Bus Reform Outline Business Case (OBC) including the intention to bring a decision to consult to a summer Board meeting. The CPCA Board will consider the revised Business Case and the full findings of the Auditor to inform any decision to move to public consultation.
- B Approve that officers commence to prepare for an Interim Enhanced Partnership being formed to act as a 'stepping stone' to further, wider reform.
- C Note that CPCA is required to produce an updated Bus Service Improvement Plan (BSIP), in line with Department for Transport requirements, and approval is sought for delegated authority to the Executive Director Place & Connectivity, working with the Chair of the Transport and Infrastructure Committee, to update and finalise the BSIP to ensure submission by 12 June
- D Note the wider package of bus network delivery work, including the investment in bus services through the precept, bus stops infrastructure and £1 bus fare for Under 25s in the region that officers will continue work to implement

11 Corporate Performance Report Q3 2023-24

It was resolved to:

- A Scrutinise and agree performance information relating to the Combined Authority's Corporate Key Performance Indicators
- B Scrutinise and agree performance information relating to the Combined Authority's Most complex programmes and Projects.
- C Scrutinise and agree performance information relating to the Combined Authority's Headline Priority Activities.
- D Note progress to evaluate the impact of the Devolution Deal Investment Fund in a Gateway Review.

12 Q3 Corporate Risk Report

It was resolved to:

- A To note the risk register, dashboard and heat map in Appendix 1-3
- B To note the update on progress of the Risk Software implementation
- C To note the plan for risk deep dives

13a Greater South East Net Zero Hub Delegations

It was resolved to:

- A Delegate authority to the Executive Director of Place and Connectivity and any replacement (or substitute) as set out in table 1, to make decisions on behalf of the Combined Authority when sitting on the Net Zero Hub Board(s).

13b Delegations to Officers

It was resolved to:

- A Delegate authority to the Assistant Director of Skills to accept CEC funding and to enter into and finalise all necessary contracts and Grant Funding Agreements in consultation with the CFO and MO.
- B Delegate authority to the Executive Director of Economy and Growth to:
 - approve (enhanced) business support arrangements via Growth Hub during 2024/25 FY
 - accept funding from DBT and approve the funding plan that will form schedule in DBT funding agreement
 - accept funding the BB/CAB approved to be used to enhance the CPCA's Growth Hub offer in 2024/25 FY
 - contract with service providers and contractors to deliver elements of the additional business support services included in Growth Hub plan for 2024/25 FY
- C Delegated authority to the Executive Director for Place and Connectivity in consultation with the Monitoring Officer and Chief Financial Officer for the retendering of any bus routes which an operator gives notice that it will cease to provide between 25 March and the next meeting of the Transport and Infrastructure Committee.
- D To delegate authority to the Assistant Director for Skills, in consultation with the Chief Finance Officer and Monitoring Officer to:
 - enter into grant funding agreements and/or service contracts with training providers to deliver Innovation Fund project activity. This can either be with new (following a procurement exercise) or existing providers
 - extend and /or vary contracts with existing providers where appropriate.

14 Update on State of the Region 2024

It was resolved to:

- A Note progress to develop the 2024 State of the Region review.
- B Note proposed further development in future years.

15 Senior Appointments

It was resolved to:

- A Note the contents of this report.
- B Note that a further report will be submitted to the board, prior to the meeting of 20 March, following the interviews being held on Wednesday 13 March 2024 and Thursday 14 March 2024. This subsequent report will note the recommendations from the HR Committee on the preferred candidates. The recommendations of this subsequent report will require board approval.

- C To approve the recommendation made by the Members of the HR Committee at the meeting on 13th March 2024 that the preferred candidate be appointed to the Statutory position of Executive Director Resources (section 73 Officer).
- D To approve the short term acting up appointment of the current Assistant Director of Finance to the statutory position of section 73 officer, if required, to take effect from 18th May 2024.
- E To approve the recommendation made by the members of the HR Committee at the meeting on 14th March 2024 that the preferred candidate be appointed to the statutory position of Director of Legal and Governance (Monitoring Officer).
- F Delegate to the Chief Executive the function of agreeing with the successful candidates the terms and conditions of appointment, including associated start date and any other requirements and actions necessary to finalise arrangements.

16a Careers Hub Academic Year 2024-25

It was resolved to:

- A Accept the Careers and Enterprise Company (CEC) core funding offer and allocate the match funding from UKSPF and Post SPF Skills Support.
- B Accept future grant funding that is awarded by the CEC in addition to core funding, up to the value of £150,000 for projects aligned to strategic priorities
- C Delegate authority to the Interim Assistant Director of Skills, in consultation with the Chief Finance Officer and Monitoring Officer to enter into grant funding agreements with CEC and contracts and grant funding agreements for the delivery of the Careers Hub.

16b Recommendations from Skills and Employment Committee

It was resolved to approve all the recommendations as set out below:

Improving Efficiency and Effectiveness (Adult Education Budget)

- A To approve the in-year amendments for existing providers which include growth requests for high-performing providers and reprofiling of funding where providers have underperformed
- B To approve the establishment of a flexible Innovation Fund, allowing us to respond to regional activities that underpin the priorities identified within the Employment and Skills strategy.

17 Recommendations from Transport and Infrastructure Committee

It was resolved to approve all the recommendations as set out below:

E-Scooter Trial Update

- A Approve the extension of the e-scooter trial to 31 May 2026

LTCP and Associated Strategies

- A Approve the reprofiling of the approved funding across the next three financial years as set out in 3.2
- B Delegate authority to the Executive Director in consultation with the Chief Finance Officer and Monitoring Officer to enter into Grant Funding Agreements with Cambridgeshire County Council and Peterborough City Council to develop the strategies for 2024/25.

Transforming Cities Fund

- A Delegate authority to the Executive Director for Place and Connectivity in consultation with the Chief Finance Officer and Monitoring Officer to sign change requests with Cambridgeshire County Council and Peterborough City Council concerning TCF projects
- B Delegate authority to the Executive Director for Place and Connectivity in consultation with the Chief Finance Officer and Monitoring Officer to agree change of deeds to the Grant Funding Agreement with Cambridgeshire County Council and Peterborough City Council concerning TCF projects.

18 Recommendations from Business Board

It was resolved to approve all the recommendations as set out below:

Business Board Terms of Reference and Governance

- A Approve the Terms of Reference (attached at Appendix A) for adoption within the CPCA Constitution.
- B Request CPCA to bring role profiles to the next meeting of the Business Board in line with the roles set out in 2.6 for consideration and approval.
- C Request CPCA Officers to undertake the necessary actions in order to deliver the cadence for meetings set out in 2.9 to 2.13
- D Endorse the responses set out in 2.14 and 2.15 to the CPCA Board requests for formal response to the CPCA Board.
- E Recommend the good practice identified in 2.17 to the CPCA Board for implementation by CPCA Officers.

Business Growth and Social Impact Investment Fund Update

- A To note the updates contained within this report

UK Shared Prosperity Fund and Rural England Prosperity Fund Update

- A To note the updates contained within this report

Notes:

- a) Statements in **bold type** indicate additional resolutions made at the meeting.
- b) Five Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board or an Officer for scrutiny by notifying the Monitoring Officer, except for any key decision on a matter dealt with under the special urgency provisions set out in the Constitution which may be implemented immediately.

For more information contact: Alison Marston, Head of Democratic Services:
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ACTION TAKEN ON THE GROUNDS OF URGENCY

Committee: Annual Council
Date: 23 May 2024
Author: Democratic Services Manager
Report No: Z6

Contact Officer:
Tracy Couper, Democratic Services Manager and Deputy Monitoring Officer
tracy.couper@eastcambs.gov.uk , 01353 616278, Room 214B, The Grange, Ely

1.0 ISSUE

1.1. To note the action taken on the grounds of urgency.

2.0 RECOMMENDATION(S)

2.1. That the action taken on grounds of urgency be noted.

3.0 BACKGROUND/OPTIONS

(a) Inter Authority Agreement – Materials Recycling & Waste Transfer

- 3.1 The Director (Operations) has taken action on the grounds of urgency (ref: Section 3 page 3/4 para 4.1) in relation to agreeing the terms of an Inter Authority Agreement to manage the future materials recycling facility and waste transfer contract.
- 3.2 On 13th November 2023, Operational Services Committee approved the process for procurement of a new materials recycling contract. The procurement process was carried out by the Waste Collection Authorities (WCAs) in the RECAP Partnership. Appendix 1 (Exempt Papers)
- 3.3 Following extensive market testing and tenders returned by suppliers, in agreement with all WCA's Section 151 Officer and Monitoring Officers, the procurement exercise was halted due to issues around affordability and other reasons. A confidential briefing note has been provided in Appendix 2 (Exempt Papers)
- 3.4 Further work now has been completed to secure the future arrangements of recycling materials processing and the waste transfer arrangements for that waste. To enable the latest procurement exercise to be completed, an Inter Authority Agreement (IAA) is required to ensure that the future contract can be managed across the Partnership. Appendix 3 (Exempt Papers) sets out the requirement for an IAA.
- 3.5 The IAA needs to form part of the proposed contracting arrangements and needs to be published on the procurement portal by 20th May 2024 to ensure that contracting arrangements can be in place by 1st September 2024. The IAA is currently being drafted for agreement with RECAP Partners.

4.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

4.1. Additional financial implications detailed above.

4.2. Equality Impact Assessment not required for the purposes of this report.

APPENDICES

Appendices 1-3 – Exempt report and briefing papers

Background Documents

Urgent Action Memo dated 17 April 2024

