



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that a meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held at **LITTLEPORT LEISURE CENTRE, CAMEL ROAD, LITTLEPORT CB6 1EW, ON THURSDAY 21 OCTOBER 2021** 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:

AGENDA

- 1. PUBLIC QUESTION TIME** **[oral]**
The meeting will commence with up to 15 minutes Public Question Time
- 2. APOLOGIES FOR ABSENCE** **[oral]**
- 3. DECLARATIONS OF INTEREST** **[oral]**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 4. MINUTES – 15 JULY 2021**
To confirm as a correct record
- 5a. CHAIRMAN'S ANNOUNCEMENTS** **[oral]**
- 5b. A minute's silence will be observed as a mark of respect following the death of former District Councillor John Gibb, Liberal Democrat Member for Dullingham from 1999 to 2003**
- 6. SOHAM NORTH BY-ELECTION RESULT, PROPORTIONALITY & MEMBERSHIP OF COMMITTEES**
- 7. TO RECEIVE PETITIONS (IF ANY)** **[oral]**
- 8. NOTICE OF MOTIONS UNDER PROCEDURE RULE 10** **[oral]**

Community Land Trusts

This Council recognises the important role of Community Land Trusts across the world in holding land on behalf of a place-based community, while serving as a long-term steward for

affordable housing and other community assets. This Council supports the principle that development should take place in partnership with local communities, and with their support.

This Council notes that the administration has made working in alliance with CLTs across the District, and setting up its own District-wide CLT, its preferred way of meeting the need for affordable housing in East Cambridgeshire.

The Council notes however that trust in CLTs among members of the general public has been damaged as a result of concerns expressed by residents in Wilburton, Stretham, Kennett and most recently Little Thetford, related to:

- Some decisions and actions taken by CLTs in their villages, in particular concerning developments widely seen as not appropriate in scale or location for the communities in question;
- Worries that parish councils are being unduly influenced by CLT trustees, shown by the vote of no confidence in Wilburton and resignation en masse of councillors in Little Thetford;
- Further concerns about profits gained by landowners as result of choices made by CLTs.

The Council acknowledges its own responsibilities as a result of its public support to all these CLTs and believes that it is necessary to review the issues that have arisen in the four villages noted above. This review should have a specific focus on the relationship between ECDC and the CLTs in this district, to ensure that the involvement of CLTs as an integral part of council housing policy is seen as rational, safe and unambiguous, with an effective code of conduct in place. The following process for the review is proposed:

- a. Desk research, to review all relevant documents, to be provided by the CLTs in question.
- b. Written submissions, to be invited from residents in relevant villages and from landowners associated with the developments now being proposed.
- c. Interviews, to include a minimum of three trustees (or former trustees if none are in post now) from each CLT.
- d. Public meetings in each of the four villages, in which residents will be invited to provide feedback, evidence and views.

The review should be carried out by a politically proportional working group set up by the Finance & Assets Committee at their next meeting. This activity should be completed within three months of commencement and will report initially to the Finance & Assets Committee, and to Full Council directly afterwards.

In the meantime, no further CLT project-related financial commitments should be incurred by the Council or its companies until after the report, as defined in this motion, has been considered by Full Council.

Proposer: Councillor Simon Harries

Seconder: Councillor Lorna Dupré

9. TO ANSWER QUESTIONS FROM MEMBERS (IF ANY) [oral]

10. PARKING ENFORCEMENT

- (a) Presentation by Superintendent James Sutherland, Cambridgeshire Police [oral]**
- (b) Referral-Up from Operational Services Committee**

11. **SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES:**
 - a. **Treasury Operations Annual Performance Review**
 - b. **Gambling Act 2005 Statement of Licensing Principles – Three Year Review**
12. **EAST CAMBRIDGESHIRE LOCAL PLAN (SINGLE ISSUE REVIEW) – SECOND CONSULTATION**
13. **COMMUNITY INFRASTRUCTURE LEVY INFRASTRUCTURE LIST AND GOVERNANCE**
14. **COMBINED AUTHORITY UPDATE REPORT**

To receive a report on the activities of the Combined Authority from the Council's appointee(s)
15. **ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY**



J Hill
Chief Executive

To: All Members of the Council

NOTES:

1. Members of the public are welcome to attend this meeting. 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 in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
2. There will be an announcement at the start of the meeting regarding the procedure to follow should the fire alarm sound during the meeting
3. Reports are attached for each agenda item unless marked "oral".
4. 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

5. 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).”



AGENDA ITEM NO 4

Minutes of a Meeting of East Cambridgeshire District Council held at Littleport Leisure Centre, Camel Road, Littleport, CB6 1EW on Thursday 15th July 2021 at 6.00pm

PRESENT

Councillor Christine Ambrose Smith	Councillor Bill Hunt
Councillor David Ambrose Smith	Councillor Mark Inskip
Councillor Sue Austen	Councillor Alec Jones
Councillor Anna Bailey	Councillor Daniel Schumann
Councillor Ian Bovingdon	Councillor Alan Sharp (Chairman)
Councillor Victoria Charlesworth	Councillor Amy Starkey
Councillor Matthew Downey	Councillor Lisa Stubbs
Councillor Lorna Dupré	Councillor John Trapp
Councillor Lavinia Edwards	Councillor Jo Webber
Councillor Lis Every	Councillor Christine Whelan
Councillor Simon Harries	Councillor Gareth Wilson

Prior to the commencement of the meeting, tributes were given, and a minute's silence held, as a mark of respect following the passing of former District Councillor Philip Lewis, Liberal Democrat Member for Cheveley from 1999 to 2003.

Cllr Anna Bailey, Leader of Council: *"I didn't know Philip terribly well, but I did have the pleasure of his company on several occasions in recent years. I found him to be a very kind-hearted and passionate man. He had enormous courage of conviction and I am sure we all, as a Council, thank him for his service to the residents of East Cambridgeshire and send our condolences to his family."*

Cllr Charlotte Cane (read aloud on her behalf by Cllr Lorna Dupré): *"Philip Lewis was District Councillor for Cheveley Ward for 4 years, with his great friend and tennis partner Edward Twentyman. Together they were a formidable team working for the people in their Ward and the wider District. Philip Chaired the Personnel Committee at East Cambs and led the delivery of significant improvements to our operations. Philip lived in Reach, where he played a lead role in the village's purchase of the Dyke's End to keep it open as a pub and in setting up the village tennis club and installing the tennis court."*

After standing down as a Councillor, Philip studied law and used his qualification to advise people through the Citizens Advice Bureau. He supported many people in successfully standing up against poor employers and others in authority. He loved that voluntary work and often told me how vulnerable people were to financial and sometimes physical abuse and how vital the CAB's work was to assist those people in getting justice.

Philip will be missed by many of us and especially by his children, Naomi and Jonathan."

19. PUBLIC QUESTION TIME

Former District Councillor Tom Kerby asked the following question:

“With the current Parliamentary Constituency Boundary review under way, would the Council support the inclusion of Newmarket moving from the constituency of West Suffolk to South East Cambridgeshire? This would be the first step in joining Newmarket with Ely under the Council of East Cambridgeshire.”

The Leader of Council, Cllr Anna Bailey, replied:

“Thank you for your question Tom and welcome back to Council.

This Council has always recognised the close bond between our towns and villages in the south of our District and the town of Newmarket, and has always sought to build positive relations and close working with our Suffolk neighbour. To many, the boundary between our District and the town are something of an anomaly. Cllrs Alan Sharp and Amy Starkey in particular, work closely with both West Suffolk and Newmarket Town Council and I also know that Cllrs David Brown and Lavinia Edwards, for example, are working with Exning Parish Council on cycle routes. So, there is close working and co-operation at both Officer and Member levels.

Nevertheless, I don't honestly believe that the current parliamentary constituency boundary review is necessarily the most appropriate mechanism to address this issue. I say this for three pragmatic reasons:

Firstly, we support the current proposal which for the first time keeps our District in one constituency and we would be reluctant to make counter proposals that could put this in jeopardy. Later in this meeting there is a paper about the Council's response to the review consultation.

Secondly, whilst that may be arithmetically possible, all Members will know that changing our proposed boundary will have a domino effect on surrounding areas that could be problematic.

In this case and finally, I think it would have the effect of splitting the constituency across 2 counties which, particularly given we have a Combined Authority, would probably be undesirable. I also understand that the proposal would potentially split Suffolk into Essex and Cambridgeshire.

So, for all of those reasons I don't think it's something we could take forward at this time. Many thanks for your question.”

Upon being invited by the Chairman, Tom Kerby explained that previous attempts to move Newmarket from Suffolk to Cambridgeshire had been unsuccessful but there was a desire to revisit it since geographically Newmarket was an anomaly within Suffolk, and the District and County Councils in Suffolk were not felt to serve the town well. Residents generally looked to the triangle of Ely – Newmarket – Cambridge for retail and leisure rather than towards the

larger towns in Suffolk, and there was a good relationship with East Cambs District Council. The Parliamentary Constituency Boundary review was the first opportunity to raise the issue, and hence he had brought the question to the Council.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs David Brown, Charlotte Cane, Julia Huffer, Joshua Schumann, Paola Trimarco and Alison Whelan.

21. DECLARATIONS OF INTEREST

No declarations of interest were made.

22. MINUTES – 29th APRIL 2021

It was resolved:

That the Minutes of the meeting held on 29th April 2021 be confirmed as a correct record and signed by the Chairman.

23. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members, Officers and the public to the first face-to-face meeting of the Council for over a year and reminded them of the protocols for speaking.

24. PETITIONS

No petitions had been received.

25. MOTIONS

No Motions had been received.

26. QUESTIONS FROM MEMBERS

Questions were received, and responses given, as follows:

i) Question to the Chairman of the Operational Services Committee from Cllr Mark Inskip:

“At the Full Council meeting on 23 February I asked a question to the Chair of Operational Services Committee about the recent email outage, raising my concerns that further actions were needed to guarantee that the Council’s email system was sufficiently resilient to future outages. In his response he dismissed my concerns in a politicised answer.

Last week the Council experienced a further outage which left email services unavailable for the best part of a day and a half along with

several more days to recover emails sent during the period of the outage. Given this latest incident does he now support my previous call for a much more thorough review?"

Response from the Chairman of the Operational Services Committee, Cllr David Ambrose Smith:

"Thank you, Cllr Inskip, for your question.

As Chairman of the Operational Services Committee I do not feel it necessary for a review as I am satisfied with the explanation given by the ICT Team regarding the cause and the action they undertook in respect of the recent Email outage. A full report from the ICT Team is appended to the answer for you to look at."

ICT report:

At approximately 14:20 on Wednesday 7th July, the Exchange (email) server experienced an issue with the email index and the datastore, preventing clients and software (such as Outlook and OWA log-ins) from connecting to the server. After immediately attempting standard recovery steps for this kind of fault the ICT Team made contact with Microsoft support that afternoon, however unfortunately they were unable to recover the datastore that evening. From this point the team moved to a two-pronged approach: continue with recovery attempts on the failed datastore while also attempting restore from the most recent known good backup of the server (this being 10:00pm 6th July 2021).

Even with Microsoft's continued assistance it was not possible to repair the datastore. Our ICT System Administration Team was able to restore the backup and undertook further work to bring the newly restored server into the live network. Full functionality was restored at 9.30am on 9th July 2021. No Emails were lost as these were caught with our Mimecast system and the Support Team have been restoring user emails to their Outlook mailboxes.

The issue has been caused by the import of .PST "Personal Folder" archives onto the server - a stage of our work towards the migration from our onsite Exchange email server to Microsoft Office 365. The work towards the migration to Microsoft Office 365 will continue, however we will be re-evaluating this stage of the project to ensure staff will continue to have access to the archived emails that they require after the migration project has completed without further impacting our current email server.

At this point in time the ICT team do not have a set date for when the migration to Microsoft Office 365 will complete but are working with our Microsoft partner to accomplish the migration as soon as practicable. We were not proposing to do any further investigations or reviews, as we have already identified the cause of the issue (the importing of the .PST folders causing index corruption) and have paused that element of the

365 migration project. We will be working with our Microsoft Partner to be able to continue moving to exchange 365 without users being unable to access the personal folders/archive folders.

ii) Question to the Chairman of the Planning Committee from Cllr John Trapp:

“The District Council issued a Supplementary Planning Document (SPD) on self-build homes recently, and to my mind self-build is a means of encouraging more housing, and affordable housing. Would the Chair of Planning state how many of the self-build plots in planning applications have been taken up, and how he considers that the self-build programme is working, and whether it fulfils its aims?”

Response from the Chairman of the Planning Committee, Cllr Bill Hunt:

“Thank you Cllr Trapp for your question. I was quite surprised that you asked it because you could have found the answer from Officers to save some time.

I can tell you that the permissions that were given were 43 in 2018, 64 in 2019, and 93 in 2020. So far in 2021 there have been 7. I also asked Officers to give me information on how much CIL Self-Build Relief we have approved. 93 in 2017/18, 78 in 2018/19, and 94 in 2019/20. So not only are we giving consent, but people are building. So, I'd say it was successful. As you know we have a policy in our Local Plan which requires any development of over 100 dwellings to provide 5% of the site as self-build. The policy is working well, fulfilling its aims and long may it continue. I share with you your enthusiasm for self-build and, like you, I welcome it.”

iii) Question to the Leader of Council from Cllr Simon Harries:

“Please confirm how many sales have been completed for £100k houses in this district, and please also explain the actions taken by the Council to address mortgage approval issues encountered with respect to £100k homes.”

Response from the Leader of Council, Cllr Anna Bailey:

“Thank you Cllr Harries for your question.

I'm somewhat surprised that Cllr Harries doesn't seem to know that this question would be best directed to the Combined Authority - the £100k Homes initiative is a project of the Combined Authority not this Council. Of course we have, as a Council and a constituent member of the Combined Authority, fully supported £100k Homes, as it gives our residents - typically residents that are so often shut out of the housing market completely - the opportunity to get onto the property ladder at an affordable price, with the benefit that the discount stays with the property throughout its lifetime, allowing many more people into the future to benefit as well. So East Cambs has supported the policy, but East

Cambs is not the authority responsible for involvement in the sales process itself.

To try to be helpful though, turning to the first part of the question: I am aware, that even though no one has yet moved in, buyers are progressing through the sales process. To answer the second part of the question, the Council has not taken any action relating to the sales process because, and I reiterate, it is not the responsibility of East Cambs District Council; this is a Combined Authority project. I am aware though that Combined Authority Officers are working hard to do what they can to enable the completion of sales.

I would like to remind everyone on this subject - particularly those that seem to enjoy casting doubt on social media about the sales of these properties to first time buyers trying to get onto the housing ladder - that these are real people involved in this process, buying their first home, and I think everyone would do well to remember that when taking to social media to pass comment.

I have every confidence that completions will go ahead and that proud new property owners will be taking up residence in Fordham, and I very much look forward to the day when the first people move in.”

27. CORPORATE PLAN 2021-2023 (UPDATED)

Council considered a report (W38, previously circulated) summarising the progress made against the 2019-2021 commitments, highlighting the challenges that had been faced, and detailing the updated Corporate Plan 2021-2023.

The Chief Executive introduced the report and drew Members’ attention to the details of progress in paragraph 4.2 and the inherent challenges detailed in paragraph 4.3.

Cllr Anna Bailey moved the recommendations in the report, seconded by Cllr David Ambrose Smith. She thanked the NHS and the local communities, as well as Members and Officers, for all they had done to protect the vulnerable in the District during the course of the pandemic. Over £21m had been paid out in grants benefitting over 3000 local businesses, the Council had worked with Parish Councils to support Community Hubs, and Officers had represented and supported the Council with professionalism, resilience and compassion. Front-line services including waste, recycling, environmental work, parks and open spaces, housing, markets, planning and building control had all continued. Benefits and grants had been paid out, rapidly-changing legislation had been navigated, and meetings had continued to be open for all. Having reflected on a very challenging 12 months, and thanked everyone at the Council and across the District for their hard work, care, and support, she looked forward to a better year ahead for all.

A Member spoke in support of the updated Corporate Plan, and in particular the promise to continue to pressure the relevant authorities to implement a safe crossing near the BP roundabout on the A10 Ely bypass. However, another Member stated that keeping the provision of the safe crossing as part of the A10 dualling project was counterintuitive in both the timing of delivery and the promotion of active travel options. Regarding the commitment to support A14/A142 junction improvements, a Member suggested that support should also be given to other road improvements that would be beneficial for the District, such as at Quy and at the A14/Milton Road.

Several Members expressed concerns or disagreements with parts of the Plan whilst agreeing with and supporting other elements. The cross-party work on bus services and on cycleway and footpath proposals was mentioned favourably as having been enhanced by collaborative working and the incorporation of a range of views.

A Member spoke against the loss of the green space at Mepal and its proposed conversion to a crematorium which would be in competition with those at March and Huntingdon. The closure of the Citizens Advice Bureau in Ely was also criticised, as was the lack of reference to the flooding that had occurred over the Christmas and New Year 2020-21 period.

Debate on Community Land Trusts (CLTs) centred on a general agreement that in principle a CLT was a good idea, but with disagreement as to whether all local CLTs fulfilled the aims and objectives effectively. Swaffham Prior's community heating project and the Haddenham CLT were cited positively, whereas some Members were concerned about the close ties between the managements of the Council and East Cambs CLT, general lack of scrutiny of CLT management, and the acrimony in Wilburton and concerns in Stretham and Kennett relating to CLT developments. Several Members emphasised the importance of CLTs being community-led and encouraging a large community membership, whereas an example was given of two Members having been refused membership of East Cambs CLT which had suggested that it was not transparent and open to all. A Member responded to the criticism of the governance of some CLTs and explained that the formation of a CLT was a highly regulated process requiring sign-off from several different bodies; they were membership organisations and needed to abide by the legislation under which they were formed.

Some Members questioned the mention of £100k Homes twice within the Corporate Plan despite the Leader's earlier assertion (in her response to a Member's Question) that £100k Homes were entirely a matter for the Combined Authority. Further related to Housing, the lack of houses available at less than full market price in Phase 1 of the MoD development in Ely was questioned, as was the lack of a promise to provide more affordable housing.

In relation to the "Cleaner, Greener East Cambridgeshire" section of the Plan, a Member stated that the 2021/22 commitments were good, and in line with the recent approval given by the Operational Services Committee to the

Environment Climate Change Strategy and Action Plan, but the promises were simply a repeat of previous promises and therefore demonstrated a lack of ambition. Recent issues worldwide, such as the high temperatures in North America and the flooding in Germany and Belgium, had highlighted the need for clear strategies to address climate change and commit to net zero carbon. Following the interim findings of the Cambridgeshire & Peterborough Independent Commission on Climate, the Combined Authority had committed to make its own operations net zero by 2030 so, in the view of the Member, a similar clear commitment should also have been included in the Corporate Plan for this Council. In addition, the Council had declared a Climate Emergency in late 2019 and the commitments within that should have been included as promises in the updated Corporate Plan. Similarly, ambitious targets for charging points for electric cars were needed since East Cambs provision currently did not compare favourably with other Districts such as North Norfolk. The Member also mentioned that, whilst understanding the difficulties caused by the need to wait for the Government's announcement of the Waste Strategy, other rural councils had made more progress than this Council in converting to a zero-emission waste vehicle fleet.

A Member expressed support for the Plan, stating that it would stimulate economic recovery and growth as well as improving transport. Working with neighbouring authorities on rail improvements would be vital, as would support for the East West Rail project since 65% of freight from Felixstowe travelled by road and therefore traffic issues related to that on the major roads caused knock-on effects in the towns and villages of the District.

Speaking as seconder of the Motion, Cllr David Ambrose Smith stated that he was proud to support the updated Corporate Plan. All Councillors had been involved in the success of previous Plans via their commitments to the Council's Committees and Working Parties and he hoped that there would continue to be positive involvement in relation to the updated Plan. Regarding the mention of other crematoria, he pointed out that the neighbouring facilities were quite some distance from many communities in the District. Regarding flooding, he reminded Members of the Council's work with the Internal Drainage Boards and also drew Members' attention to the Corporate Plan's mention of water management and flood prevention infrastructure in relation to the CIL Infrastructure List.

Summing up, Cllr Anna Bailey firstly responded to many of the points raised during the debate:

- The Council's commercial agenda remained "commercially for community benefit" and she was proud that it had enabled the freezing of the District Council element of local Council Tax.
- Every sizeable housing development received objections at the Planning stage, this was not unique to CLT developments.
- The new Mayor of the Combined Authority was not in favour of continuing the 100k Homes project, it was therefore an item on the agenda for the next Finance & Assets Committee meeting in order to continue the scheme within the District.

- The ability to continue delivering services to residents was, in part, due to the hard work of the trading companies. In particular, East Cambs Trading Company had at the 2021 year-end collectively provided just over £3m of financial benefit (£930k in this financial year) via its operations as Palace Green Homes, Ely Markets, and Parks & Open Spaces.

She then explained that the Corporate Plan would maintain the Council's focus on five key areas: investing in all aspects of the District's hamlets, villages, towns and the city of Ely; providing genuinely affordable housing for those living or working in the District; addressing the climate emergency with a £1m investment into home energy efficiency improvements and £100k investment into energy efficiency improvements at The Grange as well as initiatives such as wildflower management and orchard planting; improving public transport, cycling and walking; and working with partners on the road and rail infrastructure needed for the District. Finally, she stated her intention to present the Council's priorities directly to the Combined Authority Mayor in a published prospectus, with the promise to work in a spirit of partnership but robustly fighting for the projects and policies that were important to East Cambs and in need of Combined Authority investment and support.

It was resolved:

- i) That the updated Corporate Plan, set out in Appendix 1 of the report, be noted.
- ii) That the completed actions and progress made during the past 12 months be noted.
- iii) That the Monitoring Officer be instructed to make the necessary amendments to the Constitution (ref: Article 1 paragraph 1.05) to reflect the new Corporate Plan.

28. INDEPENDENT REMUNERATION PANEL RECOMMENDATIONS – AUDIT COMMITTEE SPECIAL RESPONSIBILITY ALLOWANCES

Council considered a report (W39, previously circulated) containing the recommendations of the Independent Remuneration Panel (IRP) relating to Special Responsibility Allowances (SRAs) for the newly-established Audit Committee.

The Democratic Services Manager introduced the report and also drew Members' attention to an amendment to the report's recommendations, proposed by Cllr Anna Bailey and seconded by Cllr David Ambrose Smith, that had been circulated to all Members by email that morning:

- 2.1 As per recommendation.

- 2.2 Add
“and therefore, resolves to amend the Constitution, specifically the terms of reference of the Finance & Assets Committee and Audit Committee to exclude joint membership of the respective Committees and the Leader and Deputy Leader of the Council from membership of the Audit Committee”.
- 2.3 New
“The Council authorises the Monitoring Officer to make the necessary and consequential amendments to the Constitution to implement the Council’s resolution”.

Cllr Inskip raised a Point of Order that the item was about SRAs but the amendment did not relate to SRAs, instead it introduced constitutional amendments, and he questioned how a proposal to change the Terms of Reference would be constitutionally valid when introduced in this way. He stated that the Local Government Act 1972 required proposed constitutional changes to be included in the summons of the meeting, which had not been the case in this instance, but, when questioned, he was unable to provide the exact reference. The Democratic Services Manager stated that it was within the Terms of Reference for Council to amend the Constitution and she was not aware of any such legal restriction, therefore the Constitution prevailed. A Member suggested to the Chairman that an adjournment to research the situation would be helpful, and that, if uncertainty remained, Cllr Bailey should consider withdrawing the amendment and taking it to a future Council meeting as a paper with the full notice to Members.

7:07-7:33pm an adjournment was taken.

On resumption, at the invitation of the Chairman, the Monitoring Officer read the following statement:

“The Constitution was drafted in accordance with legislation. I do not believe that the Local Government Act 1972 would be so prescriptive of the operations of individual Councils and in the absence of any specific reference from Cllr Inskip in his Point of Order, I can advise in relation to this particular matter that the revised recommendation can be put.

The other question that Council need to consider is whether it has a right to amend its Constitution – this is clearly set out in 3.1(i) of the Council Terms of Reference.

Finally, is whether sufficient notice has been given for this proposal to change the Constitution, I am of the view that the recommendation of the IRP raises this issue, i.e. conflicts of interest, as set out in the report which complies with the access to information of 5 clear days’ notice, therefore my advice is that the Council can consider the revised recommendation (subject to a Proposer and Seconder).”

Cllr Bailey then spoke to propose the amended recommendations and also stated that her Motion would shorten recommendation 2.1 by removing reference to alternative SRAs and to backdated payment. It would therefore read “That Council approve the recommendations of the Independent Remuneration Panel (IRP) as set out in paragraph 3.5.” She thanked the IRP members for their work and stated that it was important to note their concerns regarding potential conflicts of interest arising from Members taking up positions on both the Audit Committee and the Finance & Assets Committee. She commented that she had already considered the issue when making committee appointments from the Conservative Group, and she was sure that all Members would agree with the need to adopt the highest standards of probity.

Cllr Inskip stated that under Procedure Rule 11.4 he proposed to refer the matter to the Finance & Assets Committee for consideration. Cllr Jones seconded the proposal. Cllr Inskip stated that the conflict of interests justification for excluding joint membership of the Finance & Assets and Audit Committees failed to recognise that other committees also considered matters that would be addressed by the Audit Committee. For example, matters relating to the East Cambs Street Scene trading company were reported to the Operational Services Committee.

The Democratic Services Manager reminded Members that Procedure Rule 11.4 only allowed referral to a committee when the matter lay within the remit of that committee. Appointments to committees and amendment of the Constitution were matters for Full Council and therefore could not be referred elsewhere. Cllr Inskip consequently proposed deferring the matter to a future meeting of Full Council, and Cllr Jones seconded the proposal.

Several Members spoke in favour of the proposed deferral, stating the importance of a full and detailed written briefing, published with the Agenda papers, when considering a change to the Constitution and the way the Council operated. Less than 12h notice of the amended recommendations had not been sufficient for public involvement, should there have been any interest, and the principle of restricting membership of committees required careful and informed consideration. They reiterated the proposer’s point that the Audit Committee did not only consider the business of the Finance & Assets Committee, and therefore, if conflicts of interest could restrict joint memberships, then other committees would need to be considered in a similar vein. They also questioned the relevance of the IRP members’ comments on potential conflicts of interest, since their brief had been purely to consider the remuneration rather than address constitutional matters.

Other Members stated that there would be no functional change to the operation of the Council and its committees, it was purely a reasonable and proportionate response to the concern raised by the IRP. The change was not dramatic and would make the Council fairer and more transparent. Some mentioned that external trainers employed to train the Audit Committee Members and, previously, the Finance & Assets Committee Members had also

indicated that separation between memberships of the two committees would be preferable. A Member also clarified that Audit Committee would be considering the governance of the trading companies rather than their financial performance.

Speaking as the seconder of the Amendment, Cllr Jones stated that recommendation 2.2 of the report only mentioned noting the IRP comment regarding potential conflicts of interest. He reiterated that the amended recommendations proposed by Cllr Bailey had implications for the Constitution, and he questioned whether it would ever be possible to ensure complete independence in all roles since many Members held several roles within the Council.

On being put to the vote, the Amendment was declared to be lost.

Cllr Downey then proposed an Amendment which further revised recommendation 2.2 to additionally exclude the Chair and Vice-Chair of Council and all Chairs and Vice-Chairs of Committees from being members of the Audit Committee. He stated that the Amendment would ensure consistency as well as true independence for the Audit Committee. Cllr Inskip seconded the proposal.

A Member responded that the Amendment went too far in its restrictions. The aims of the Audit Committee were clear, and separating the membership from the Finance & Assets Committee as well as excluding the Leader and Deputy Leader of Council would be sufficient.

Another Member spoke in support of the Amendment, reiterating earlier points regarding the limited content and advance notice of the main proposal as well as the lack of consistency in requiring total separation of Audit Committee from only one other committee rather than from them all.

Speaking as the seconder of the Amendment, Cllr Inskip thanked the Member who had previously commented about concerns raised by external trainers, and said that it highlighted a need for consistencies in governance across the Council, not just the Audit Committee. The Amendment sought to address this. He reiterated the view that it would have been preferable to have a better-researched proposal to consider but, if a decision was needed at this meeting, then independence from all committees would be best.

On being put to the vote, the Amendment was declared to be lost.

Cllr Bailey raised a Point of Order requesting that the Motion should now be put. The Chairman agreed with a Member's objection on the basis that no debate had yet taken place on the Motion.

During subsequent debate on the Motion, the lack of adequate notice and detail of the revised proposal were again raised as issues. Several Members also questioned why a panel that was formed to consider Member allowances

should additionally comment on committee arrangements or be the basis of proposed constitutional change. It was also highlighted that the audit function and financial decision-making had been within the remit of a single committee for years without apparent concern for potential conflicts of interest. A Member commented that, in the varied business of Council, conflicts of interest often occurred but Members were able to address that on a case-by-case basis and were familiar with using integrity in decision-making.

A Member reiterated that the trainers of both the Audit Committee and the Finance & Assets Committee had also raised the issue of potential conflicts of interest, and stated that consideration of the forward agenda plan for the Audit Committee indicated that ~90% of the business concerned Finance & Assets Committee matters.

Speaking as the seconder of the Motion, Cllr David Ambrose Smith stated his support on the basis that the proposed changes followed the advice of the IRP and the trainers of both Committees.

Summing up as the proposer of the Motion, Cllr Anna Bailey reminded Members that the purpose of the changes was to improve openness and transparency. The concerns had been raised by trainers before the IRP's recommendations were received, and when the Audit Committee had been formed she had made the decision not to appoint Members to both committees. She had the greatest respect for all Councillors and believed that removing the potential for conflicts of interest of Audit Committee members represented good governance.

The Chairman clarified that in addition to the previously-circulated amended recommendations, Cllr Bailey's Motion had included a further revision to recommendation 2.1, the consequence of which would be that the Audit Committee allowances would take effect after the meeting rather than being backdated to the 29th April 2021 Council meeting.

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

- i) That the recommendations of the Independent Remuneration Panel (IRP), as set out in paragraph 3.5 of the report, be approved.
- ii) That the IRP comment regarding potential conflicts of interest in the membership of the Audit Committee and the Finance & Assets Committee in paragraph 3.7 of the report be noted and therefore the Constitution be amended, specifically the terms of reference of the Finance & Assets Committee and Audit Committee, to exclude joint membership of the respective Committees and to exclude the Leader and Deputy Leader of the Council from the membership of the Audit Committee.

iii) That the Monitoring Officer be authorised to make the necessary and consequential amendments to the Constitution to implement the Council's resolution.

29. BOUNDARY COMMISSION FOR ENGLAND 2023 REVIEW OF PARLIAMENTARY CONSTITUENCIES – EAST CAMBRIDGESHIRE DISTRICT COUNCIL RESPONSE TO THE CONSULTATION ON INITIAL PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES

Council considered a report (W40, previously circulated), introduced by the Infrastructure & Strategy Manager, which detailed the proposed submission to the Boundary Commission for England (BCE) consultation on the initial proposals for new Parliamentary constituency boundaries.

Cllr Christine Ambrose Smith moved the recommendation in the report, seconded by Cllr Jo Webber. She stated that as a Ward Member for Littleport she welcomed the opportunity to have all of the East Cambridgeshire District within one parliamentary constituency since she felt it would be better for the constituents, although Stephen Barclay had been an excellent and conscientious MP for Littleport and would be much missed. She also felt that the proposed new name more accurately reflected the constituency.

A Member commented that the NE Cambs villages that would move into the new constituency generally welcomed the move since they often felt overlooked in a constituency that seemed focussed on Fenland when they mainly looked to Ely for their services. Another Member reiterated the earlier comments regarding Stephen Barclay MP's services to Littleport.

Speaking as seconder of the Motion, Cllr Jo Webber stated her support for having all District Wards within the same constituency which would make more sense to local residents. She thanked Officers, in particular the Infrastructure & Strategy Manager, for the considerable time and effort that had been devoted to this subject for several years.

It was unanimously resolved:

That the submission to the BCE, attached at Appendix 1 of the report, be agreed.

30. CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY REPORTS FROM THE CONSTITUENT COUNCIL REPRESENTATIVES ON THE COMBINED AUTHORITY

Council received the reports, previously circulated, from the Combined Authority's Audit & Governance Committee (25th June 2021), Overview & Scrutiny Committee (28th June 2021) and Combined Authority Board (2nd June and 30th June 2021). There were no questions for the Council's representatives.

It was unanimously resolved:

That the contents of the reports be noted.

8:21pm Cllr Charlesworth left the meeting.

31. **ACTIONS TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY**

The Council considered report W41, previously circulated, detailing the actions taken by the Chief Executive on the grounds of urgency in respect of Additional Restrictions Grants (Rounds 4 and 5) and meetings held after 6th May 2021.

A Member raised a concern about the speed and transparency of handling of the Additional Restrictions Grants (ARGs) and requested that Internal Audit be instructed to review the management of the grants. Another Member supported this view, adding that, although Officers and Members had worked tirelessly, all organisations should seek to improve and therefore the new Audit Committee should examine the process.

Several Members spoke positively about their direct or indirect personal experiences of receiving a grant, and of the Council's general level of support for local businesses during the pandemic. They acknowledged that there had been some issues at the start of the grant-distribution process but these had been discussed by Full Council and were resolved. Since then the handling of the grants had been swift and efficient whilst maintaining the appropriate due diligence for managing large amounts of public money.

The Chief Executive informed Members that a review of COVID grants was already included in the Audit Plan to be presented to the Audit Committee.

It was resolved:

That the contents of the report be noted.

The meeting concluded at 8:32pm.

Chairman.....

Date.....

SOHAM NORTH DISTRICT WARD BY-ELECTION RESULT, PROPORTIONALITY & MEMBERSHIP OF COMMITTEES

Committee: Council

Date: 21 October 2021

Author: Democratic Services Manager

[W82]

1.0 ISSUE

- 1.1 To receive details of the result of the Soham North By-Election held on 23 September 2021 and the allocation of seats on Committees, etc, arising therefrom.

2.0 RECOMMENDATION

- 2.1 That Council:

Notes the election of Councillor Mark Goldsack as a District Councillor for the Soham North Ward and the changes to the allocation of seats on Committees, etc, arising therefrom detailed at Appendix 3.

3.0 BACKGROUND

- 3.1 Following the By-Election held on 23 September 2021 for the vacancy in the Soham North District Ward created by the resignation of former Councillor Victoria Charlesworth, Councillor Mark Goldsack was elected. Councillor Goldsack has given notification that they wish to join the Conservative Group.
- 3.2 The revised Proportionality calculations are detailed in Appendix 1 and 2 for Member's information.
- 3.3 The Group Leaders have been informed of the number of places available on each Committee to be filled by their Group and have advised of the places on Committees to be allocated to reflect the revised Proportionality. These are detailed at Appendix 3.

4.0 FINANCIAL IMPLICATIONS

- 4.1 None arising from this report.

5.0 APPENDICES

Appendix 1 & 2 – revised Proportionality Calculations
Appendix 3 – revised Committee allocations

Background Documents

Local Government and
Housing Act 1989 (Section
15)

Local Government
(Committees and Political
Groups) Regulations 1990

Location

Room 214B
The Grange
Ely

Contact Officer

Tracy Couper
Democratic Services Manager & DMO
(01353) 616278

E-mail:

tracy.couper@eastcambs.gov.uk

POLITICAL PROPORTIONALITY

28 Members aligned to Political Groups

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

AGENDA ITEM NO 6 Appendix 1

PARTY	NO. OF COUNCILLORS	PROPORTION OF TOTAL
Conservative	16	57.143%
Liberal Democrat	10	35.714%
Independent	2	7.143%
	28	100%

BODY	TOTAL MEMBERS ON BODY	CONSERVATIVE [proportion of seats: 57.143%]		LIBERAL DEMOCRAT [proportion of seats: 35.714%]		INDEPENDENT [proportion of seats: 7.143%]	
Full Council	28	16	16	10	10	2	
Finance & Assets	11	6.286	6	3.929	4	0.786	1
Operational Services	11	6.286	6	3.929	4	0.786	1
Audit	5	2.857	3	1.786	2	0.357	0
Others:							
Licensing	11	6.286	6	3.929	4	0.786	1
Planning	11	6.286	6	3.929	4	0.786	1
F&A (Ethical Governance) Sub-Cttee	7	4.000	4	2.500	3	0.500	1
Licensing (Non-Statutory) Sub-Cttee	5	2.857	3	1.786	2	0.357	0
Licensing (Statutory) Sub-Cttee	3	1.714	2	1.071	1	0.214	0
Personnel Appeals Sub	3	1.714	2	1.071	1	0.214	0
Total Seats on ordinary committees under strict proportionality	67	38.286	38	23.928	25	4.786	5
Total Seats	67	38		24 (Need to cede 1)		5	

Notes:

As the only non-proportionate Body, the Liberal Democrat Group has to cede a place on Finance & Assets (Ethical Governance) Sub Committee.

Proportionality does not apply to Anglia Revenues Partnership Joint Committee.

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

POLITICAL PROPORTIONALITY

28 Members aligned to Political Groups

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

AGENDA ITEM NO 6 Appendix 2

PARTY	NO. OF COUNCILLORS	PROPORTION OF TOTAL
Conservative	16	57.143%
Liberal Democrat	10	35.714%
Independent	2	7.143%
	28	100%

BODY	TOTAL MEMBERS ON BODY	CONSERVATIVE [proportion of seats: 57.143%]		LIBERAL DEMOCRAT [proportion of seats: 35.714%]		INDEPENDENT [proportion of seats: 7.143%]	
Full Council	28	16	16	10	10	2	
Finance & Assets	11	6.286	6	3.929	4	0.786	1
Operational Services	11	6.286	6	3.929	4	0.786	1
Audit	5	2.857	3	1.786	2	0.357	0
Others:							
Licensing	11	6.286	6	3.929	4	0.786	1
Planning	11	6.286	6	3.929	4	0.786	1
F&A (Ethical Governance) Sub-Cttee	7	4.000	4	-	2	0.500	1
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Licensing (Statutory) Sub-Cttee	3	1.714	2	1.071	1	0.214	0
Personnel Appeals Sub	3	1.714	2	1.071	1	0.214	0
Total Seats on ordinary committees under strict proportionality	67	38.286	38	23.928	24	4.786	5
Total Seats	67	38		24		5	

Notes:

As the only non-proportionate Body, the Liberal Democrat Group had to cede a place on Finance & Assets (Ethical Governance) Sub Committee.

Proportionality does not apply to Anglia Revenues Partnership Joint Committee.

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

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2021/22 – updated after Soham North by-election

FINANCE & ASSETS COMMITTEE (11) 6:4:1 and up to 3 Subs	OPERATIONAL SERVICES COMMITTEE (11) 6:4:1 and up to 3 Subs	PLANNING COMMITTEE (11) 6:4:1 and up to 3 Subs	LICENSING COMMITTEE (11) 6:4:1 and up 3 subs
<p><u>CONSERVATIVE</u> Anna Bailey Ian Bovingdon (Vice-Chairman) David Brown (Chairman) Mark Goldsack [Oct 2021] Bill Hunt Julia Huffer</p> <p><u>Substitutes:</u> Christine Ambrose-Smith Josh Schumann Jo Webber</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Ambrose Smith (Chairman) Lis Every Julia Huffer (Vice-Chairman) Josh Schumann Jo Webber</p> <p><u>Substitutes:</u> Anna Bailey Dan Schumann Lisa Stubbs</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Brown Lavinia Edwards Lis Every Bill Hunt (Chairman) Lisa Stubbs (Vice-Chairman)</p> <p><u>Substitutes:</u> David Ambrose Smith Julia Huffer Josh Schumann</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Ambrose Smith Lavinia Edwards Julia Huffer (Chairman) Alan Sharp Jo Webber (Vice-Chairman)</p> <p><u>Substitutes:</u> Ian Bovingdon Bill Hunt Lisa Stubbs</p>
<p><u>LIB DEM</u> [24/07/21] Lorna Dupré Simon Harries John Trapp Alison Whelan (Lead Member)</p> <p><u>Substitutes:</u> Matthew Downey Gareth Wilson</p>	<p><u>LIB DEM</u> Mark Inskip (Lead Member) Alec Jones [Oct 2021] John Trapp Christine Whelan</p> <p><u>Substitutes:</u> Matthew Downey Simon Harries Alison Whelan</p>	<p><u>LIB DEM</u> Matt Downey (Lead Member) Alec Jones John Trapp Gareth Wilson</p> <p><u>Substitutes:</u> Charlotte Cane Simon Harries Christine Whelan</p>	<p><u>LIB DEM</u> Simon Harries Mark Inskip Alec Jones (Lead Member) Gareth Wilson</p> <p><u>Substitutes:</u> Charlotte Cane [Oct 2021] Matthew Downey John Trapp</p>
<p><u>INDEPENDENT</u> Sue Austen (Lead Member)</p> <p><u>Substitutes:</u> Paola Trimarco</p>	<p><u>INDEPENDENT</u> Paola Trimarco (Lead Member)</p> <p><u>Substitutes:</u> Sue Austen</p>	<p><u>INDEPENDENT</u> Sue Austen (Lead Member)</p> <p><u>Substitutes:</u> Paola Trimarco</p>	<p><u>INDEPENDENT</u> Sue Austen (Lead Member)</p> <p><u>Substitutes:</u> Paola Trimarco</p>

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2021/22

<p>AUDIT COMMITTEE (5) 3:2:0 and up to 3 Subs</p>	<p>ANGLIA REVENUES PARTNERSHIP JOINT COMMITTEE (1) 1:0:0 and 2 Subs</p>	<p>FINANCE & ASSETS (ETHICAL GOVERNANCE) SUB-COMMITTEE (7) [F&A Cttee 07/06/21] 4:2:1 2 Independent Persons 2 Co-opted Town/Parish Councillor Members</p>	<p>PERSONNEL APPEALS SUB-COMMITTEE (3) 2:1:0</p>
<p><u>CONSERVATIVE</u> Lis Every (Chairman) Dan Schumann (Vice-Chairman) Alan Sharp <u>Substitutes:</u> Lavinia Edwards Amy Starkey Lisa Stubbs</p>	<p><u>CONSERVATIVE</u> David Ambrose Smith <u>Substitutes:</u> David Brown Josh Schumann</p>	<p><u>CONSERVATIVE</u> David Brown Mark Goldsack [Oct 2021] Julia Huffer Bill Hunt <u>Substitutes:</u> [02/07/21] Dan Schumann Josh Schumann Jo Webber</p>	<p><u>CONSERVATIVE</u> David Brown Ian Bovingdon</p>
<p><u>LIB DEM</u> [24/07/21] Charlotte Cane (Lead Member) Mark Inskip <u>Substitutes:</u> Alec Jones [Oct 2021] Christine Whelan</p>	<p><u>LIB DEM</u> None <u>Substitutes:</u> None</p>	<p><u>LIB DEM</u> Charlotte Cane Simon Harries <u>Substitutes:</u> [02/07/21] Mark Inskip John Trapp [Oct 2021] Christine Whelan</p>	<p><u>LIB DEM</u> John Trapp</p>
<p><u>INDEPENDENT</u> None <u>Substitutes:</u> None</p>	<p><u>INDEPENDENT</u> None <u>Substitutes:</u> None</p>	<p><u>INDEPENDENT</u> Paola Trimarco <u>Substitutes:</u> [02/07/21] Sue Austen</p>	<p><u>INDEPENDENT</u> None</p>
		<p><u>Independent Persons:</u> Gillian Holmes Stuart Webster</p>	
		<p><u>Co-opted Town/Parish Councillor Members:</u> Cllr Rosemary Aitchison (Soham TC) Vacancy</p>	

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2021/22

<p>LICENSING SUB-COMMITTEE (STATUTORY) (3) [11/09/19] 2:1:0 and up to 2 Subs</p>	<p>LICENSING SUB-COMMITTEE (NON-STATUTORY) (5) [11/09/19] 3:2:0</p>	<p>BUS, CYCLE, WALK WORKING PARTY 3:3:0</p>	
<p><u>CONSERVATIVE</u> Lavinia Edwards Alan Sharp</p> <p><u>Substitutes:</u> Julia Huffer Jo Webber</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith [Oct 2021] Julia Huffer Alan Sharp</p>	<p><u>CONSERVATIVE</u> David Ambrose Smith Lis Every Alan Sharp</p>	
<p><u>LIB DEM</u> Alec Jones</p> <p><u>Substitutes:</u> John Trapp</p>	<p><u>LIB DEM</u> Alec Jones (08/06/21) Gareth Wilson</p>	<p><u>LIB DEM</u> Charlotte Cane Lorna Dupré Simon Harries</p>	
<p><u>INDEPENDENT</u> None</p> <p><u>Substitutes:</u> None</p>	<p><u>INDEPENDENT</u> None</p> <p><u>Substitutes:</u> None</p>	<p><u>INDEPENDENT</u> None</p>	

REFERRAL-UP FROM THE OPERATIONAL SERVICES COMMITTEE – PARKING ENFORCEMENT

Committee: Council

Date: 21 October 2021

Author: Director, Operations

[W83]

1.0 ISSUE

1.1 Consideration of the referral-up from the Operational Services Committee (ref. 13 September 2021)

2.0 RECOMMENDATIONS

2.1 Members are requested to consider the recommendations detailed in Appendix 1 (ref: Operational Services Committee 13 September 2021).

3.0 BACKGROUND/OPTIONS

3.1 The Operational Services Committee (ref. 13 September 2021 Agenda Item 6) agreed to refer 'Parking Enforcement' agenda item up to full Council for decision. The full agenda item referred to above is attached as Appendix 1 and the original recommendations are detailed in paragraph 2.1 (i) to (v) and included below for consideration by Council:-

Members are requested to:

- i) support the pilot scheme to integrate community-based enforcement of speeding, anti-social and illegal parking as detailed in paragraph 4.3 under Section 38 of the Police and Crime Act 2017;***
- ii) review the outcome of the pilot scheme and make further recommendations (if appropriate) by October 2022;***
- iii) support the proposals by Cambridgeshire Police to target identified 'hot spots' in the District with more effective on street enforcement in 2021/22;***
- iv) review the effectiveness of the activity outlined in 2.1 (iii) by April 2022;***
- v) not to implement CSAS in East Cambridgeshire (subject to a further review by October 2022).***

- 3.2 The rationale for this reference up (as detailed in the draft minutes ref. 13 September 2021 No. 21) relates to cross district nature of the proposals, potential impact on the Council's budget and the requirement for future information highlighted by a series of questions submitted by Councillor Inskip in advance of the meeting. The delay has enabled the Director and Chief Executive to further clarify matters with Police including more specific answers to Councillor Inskip (Appendix 2) to inform this report.
- 3.3 Members should give due regard to the decision of Council on 22 October 2020 (ref. Agenda Item 7(i) in relation to parking enforcement as detailed below.

This Council unequivocally endorses the constitutional commitment to free car parking in its off-street town centre car parks. This commitment, together with a proportionate enforcement regime, is even more important now to support town centre businesses to recover from the COVID 19 crisis.

Nevertheless, the Council remains concerned at the growing instances of dangerous and anti-social on street car parking across the District, not limited to, but notably in Ely, Littleport, Bottisham and Soham. The on-street enforcement regime is not fit for purpose.

The decriminalisation of on street car parking does not offer an appropriate solution to a District committed to free car parking and sound financial management. The Council cannot sign up to a scheme which is irreversible, has significant unfunded capital and revenue commitments and would lead to the introduction of car parking charges in our District.

Therefore, this Council instructs the Director, Operations to engage with the Chief Constable to discuss the provision of a dedicated car parking enforcement resource for the District and/or the effective implementation of CSAS (Community Safety Accreditation Scheme) and furthermore requests that an update is reported to Finance and Assets Committee in January 2021 detailing any legal and financial implications for consideration and decision on how to progress the matter.

- 3.4 As referred to above, Councillor Inskip submitted in advance a number of questions in relation to this item, both of a strategic and operational nature. The Council's response to these questions are attached to this paper to inform members debate and decision. A number of the responses to the operational focused questions confirm two key facts; specifically, that the Pilot Scheme is wholly owned, and operated by the Police and that a number of matters will become clearer following completion of the design phase of the pilot.
- 3.5 In addition, Superintendent James Sutherland, Cambridgeshire Police, has been invited to make a brief presentation to members on the Police Pilot Scheme and the targeting of 'hot spots' (Ref: Agenda Item 10A)

4.0 PROPOSALS/CONCLUSIONS

- 4.1 There are two essentially broad options for the Council in relation to on street parking enforcement, specifically:

- **DIRECTLY** in the design, delivery and funding of Civil Parking Enforcement where powers are directly transferred from the Police to the County Council in partnership with District/City Councils. This approach has been rejected by the Council as an option in its resolution (ref: 22 October 2020 and included in para 3.3) citing concerns about affordability, irreversibility, impact on off street parking and the Council's constitutional commitment to free city centre parking and the long-term impact on the Medium Term Financial Strategy.
- **INDIRECTLY** working in partnership with the Police (who would retain legal responsibility for on street car parking enforcement) and the wider community.

4.2 These two options were put into focus by the external legal opinion from Trowers and Hamlin (ref: 1 March 2021), which confirmed that an employee of the Council cannot be treated as a police volunteer under S38 of the Police and Crime Act 2017.

4.3 With this in mind, it is essential that Members fully appreciate that this initiative is Police led, as illustrated by the answers to Councillor Inskip questions detailed in Appendix 2. At this stage, the Council is only required by the lead agency, the Police, to endorse the pilot and provide, when requested, support, most likely in relation to joint communications and PR. If Members are minded to support the Pilot, it is important to note from the proposal detailed in the Operational Services Committee cover wider issues related to road safety, which are consistent with the priorities set by the Community Safety Partnership.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 Further discussions with the Police, have confirmed that there is no financial requirement of the Council at this stage including training, which will be provided by the Police in house. The Police will be submitting a bid to the Road Safety Partnership to cover the cost of the legally compliant machines for the volunteers. Any future request for financial resources will be reported to the appropriate member body.

5.2 An Equality Impact Assessment (INRA) is not required.

5.3 A Carbon Impact Assessment is not required.

6.0 APPENDICES

6.1 Appendix 1 – Report to Operational Services Committee – 13 September 2021
 Appendix 2 – Response to Councillor Inskip questions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Council – 22 October 2021 (Ref: Agenda Item 7 (i))	Room 101B The Grange	Jo Brooks Director, Operations (01353) 616498
Finance & Assets Committee - 25 January 2021 (Ref: Agenda Item 3)	Ely	E-mail: jo.brooks@eastcambs.gov.uk
Operational Services Committee - 13 September 2021 (Ref: Agenda Item 6)		

TITLE: PARKING ENFORCEMENT

Committee: Operational Services Committee

Date: 13 September 2021

Author: Director, Operations

[W63]

1.0 ISSUE

1.1 Proposals to reduce anti-social parking across the district.

2.0 RECOMMENDATIONS

2.1 Members are requested to:

- i) support the pilot scheme to integrate community-based enforcement of speeding, anti-social and illegal parking as detailed in paragraph 4.3 under Section 38 of the Police and Crime Act 2017.
- ii) review the outcome of the pilot scheme and make further recommendations (if appropriate) by October 2022.
- iii) support the proposals by Cambridgeshire Police to target identified 'hot spots' in the District with more effective on street enforcement in 2021/22.
- iv) review the effectiveness of the activity outlined in 2.1 (iii) by April 2022.
- v) not to implement CSAS in East Cambridgeshire (subject to a further review by October 2022).

3.0 BACKGROUND

3.1 The Council on 22 October 2020 (Agenda Item 7(i)) agreed a motion in relation to parking enforcement. (See Background Papers).

In summary. The Council agreed to:

- Endorse a commitment to free car parking in its off street town centre car parks.
- Instruct officers to engage with the Police on the provision of a dedicated car parking enforcement resource for the District and/or effective implementation of CSAS (Community Safety Accreditation Scheme).
- Report back to Finance and Assets Committee (January 2021).

3.2 Finance and Assets Committee on 25 January, 2021 (ref. Agenda Item 3) received a further report by the Director, Operations which recommended to Operational Services Committee the implementation of CSAS subject to agreement by the Chief Constable, (See Background Papers) and agreed to engage with the Chief Constable on the implementation under Section 38 of the Police and Crime Act 2017. It is important to note that whilst the Council's Operational Services Committee is

responsible for car parking enforcement issues the Council does not have any on street car parking enforcement powers. Those powers rest with the Police.

4.0 ARGUMENT/OPTIONS

4.1 Community Safety Accreditation Scheme (CSAS) is a scheme administered by the Police enabling the Chief Constable to bestow some Police powers to accredited individuals to deal with a range of issues, crucially not car parking enforcement. Although case studies in other areas have shown the value of CSAS especially the adoption of the 'Four E's approach – Engage, Explain, Encourage and Enforce', it is not recommended to proceed with CSAS at this time.

4.2 Section 38 of the Police and Crime Act 2017 permits the Constabulary to bestow powers to volunteers acting on the Police Service Volunteers' (PSV) behalf, including the power to issue car parking enforcement Fixed Penalty Notices (FPNs).

Although Finance and Assets Committee were advised (based on the best information from the Constabulary at the time) on 25 January 2021 that these powers could be bestowed on Council employees, subsequent legal clarification has shown this not to be the case because of the potential conflict of interest. Although this potentially reduces the scope of the use of these powers nevertheless this remains the most effective way of improving on street enforcement across the district.

4.3 There is an opportunity, supported in principle by the Chief Constable, to develop and implement a District wide pilot scheme to create a new PSV role of Road Safety Volunteers integrating current community-based activities such as Speed Watch into a formal arrangement supported by training (based on the Four E's) to include enforcement of on street car parking as well as speeding. In practical terms, this would give the new Road Safety Volunteers new powers for speeding, rather than just the letter through the post as per the Speed Watch system. This pilot would also allow the Road Safety volunteers to be conferred with powers by the Chief Constable to deal with anti-social/dangerous or illegal parking where other avenues such as driver education messaging has failed. This pilot would last for 12 months and would be reviewed by the Operational Services Committee in consultation with partners at the appropriate time.

4.4 The Council has consistently expressed their support for the employment of dedicated resources for on street car parking enforcement. This is not supported by the Chief Constable given the proposed reduction in PCSO numbers and the requirement for him to deploy these resources according to operational priority.

Nevertheless, the Leader of the Council through the Police and Crime Commissioner's officer has continued to lobby for targeted activity in the 'hot spots' for anti-social car parking. The Police have proposed to provide some ongoing resources to underpin and support the new volunteer enforcement arrangements using current legislation to target 'hot spots' supported by extensive publicity to deter and reduce future infringements. The location and regularity of these operations will be determined by the Police but in consultation with the Director, Operations. This Committee will review the effectiveness of these operations by April 2022.

4.5 The initiatives detailed above provides a complete approach to tackling illegal on street parking, speeding and breaches of car parking restrictions. The Police will

AGENDA ITEM NO 10b Appendix 1

provide ongoing resources during the year to tackle illegal parking “hot spots” (e.g. obstruction, staying over time) through their own powers. In addition to that Cambridgeshire Constabulary will develop an East Cambs pilot of the new Road Safety Volunteer post, training and equipping them to deal with a range of road safety issues and support them with training and equipment which will empower and enable the trained volunteers to collect evidence of vehicle abuse for the Police to enforce.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/Carbon Impact Assessment

5.1 Approx. £250 per trained volunteer to include training, uniform etc.

5.2 The Police will submit a bid to the Road Safety Partnership to fund the home office approved, legally enforceable machines to capture illegal activity

5.3 An Equality Impact Assessment is not required.

5.4 A Carbon Impact Assessment is not required.

6.0 APPENDICES

6.1 None

Background Documents	Location	Contact Officer
Council 22 October 2020 (Agenda Item 7(ii)) Finance & Assets Committee 28 January 2021 (Agenda Item 7)	Room 101B The Grange Ely	Jo Brooks Director, Operations (01353) 665555 E-mail: jo.brooks@eastcambs.gov.uk

Request:

This Freedom of Information request relates to the report on Parking Enforcement which was included under item 6 of the agenda of Operational Services Committee meeting held on 13 September 2021.

1. When did the council learn of the legal clarification which confirmed the potential conflict of interest (paragraph 4.2 of the report)?

We asked for a legal opinion from Trowers and received a response on the 1st March 2021 which confirmed that an employee of the council cannot be treated as a police volunteer under S38 of the Policing and Crime Act 2017.

2. Precisely which powers will the new Road Safety Volunteers gain which are not available under the existing Speed Watch Scheme?

The pilot would create a new Police Service Volunteers role of Road Safety Volunteers whereby the Chief Constable would bestow powers under Section 38 of the Policing and Crime Act 2017. Community speed watch do not have *any* powers available to them. Powers being explored by the program include excess speed enforcement and parking related offences.

3. Precisely which powers will the new Road Safety Volunteers have at their disposal to address illegal parking when driver education messaging has failed?

As per question 2.

4. Has there been a reduction in the number of PCSOs allocated to Cambridgeshire Constabulary since the full council meeting in October 2020 (in relation to paragraph 4.4 of the report)?

The Chief Constable wrote a service review report which reduced the number of PSCOs in East Cambs from 4 officers to 1.

5. What KPIs have been defined in order to measure the effectiveness of the pilot scheme proposed in the report for the report-back to committee April 2022

It will be a police initiative. Therefore it will be for the police to identify, manage and monitor their KPIs

6. Who will be responsible for collating and maintaining these KPIs and will interim results be reported?

As answer to Q5.

7. Has a risk assessment been completed for the pilot scheme?
8. Can the risk assessment be shared as part of this FOI request?
9. What are the top risks which have been identified with the pilot scheme?
10. What specific risks have been identified with regard to the personal safety of volunteers and how will these be mitigated?

The risk assessment and mitigation will be carried out by the program which is still in the design phase. There will be no issue with sharing this risk assessment once complete.

11. How will the volunteers be insured when undertaking the role and who will provide this insurance?

All volunteers are insured by the police.

12. Will volunteers conduct their parking enforcement individually or will they need to be accompanied by at least one other volunteer?

All volunteers will be at a minimum, double crewed.

13. How many volunteers are estimated to be required to provide an effective parking enforcement solution across the district?

There is no estimation of how many are required to be effective: this will form part of the program evaluation. It is expected that a small cadre of volunteers will initially be recruited and trained.

14. How many hours a week on average will each volunteer be expected to contribute?

There is no minimum number of hours expected of PSVs

15. Will it be mandatory for volunteers to wear a uniform?

Yes

16. Can you provide further details of the uniform to be worn by volunteers?

No the program is still in the design phase.

17. Which body or organisation will provide the training of volunteers?

It is a police initiative and therefore they will provide the training.

18. How many hours of training is required?

The program and therefore the training is still in the design phase. Further details will be available in due course.

19. Will the Police Standard of Professional Behaviour apply to the volunteers?

PSVs are not subject to the same regulations as warranted officers but are expected to abide by the Code of Ethics.

20. Assuming they are subject to the 2012 Conduct Regulations, will volunteers be provided with support if they are subject to a complaint?

PSVs will be supported by their line-management in relation to any complaints.

21. What disciplinary action can be taken against volunteers who are found to have breached the regulations?

For serious cases PSVs can be removed from the organization. Less serious matters would be dealt with by line-management through reflective practice and learning. Criminal complaints would be investigated as such.

22. Who will organise and manage the volunteers? Can council officers take on this role or are they excluded due to the potential conflict of interest?

It is a police initiative and therefore they will organise and manage their volunteers.

23. Have Cambridgeshire Constabulary representatives expressed a preference to officers between Civil Parking Enforcement and Police Service Volunteers to enforcement on-street parking regulation

Cambridgeshire Constabulary has consistently supported the civilianisation of parking enforcement across the county and that remains their position. However, the constabulary recognises that the decision to adopt parking enforcement is for the individual local authorities.

24. Have Cambridgeshire Constabulary representatives been asked to compare the expected effectiveness of Civil Parking Enforcement versus the Police Service Volunteers scheme to addressing enforcement on-street parking regulations?

No.

25. Have officers had any discussions with officers from any of those authorities that have adopted Civil Parking Enforcement and which also retain some free off-street car parking?

No. The remit was as per the Council Motion on 22nd October 2020 which did not authorise this action.

26. Have officers had any discussions with officers at Cambridgeshire County Council regarding the feasibility of implementing Civil Parking Enforcement in East Cambridgeshire whilst maintaining the existing split of free and paid off-street car parking?

No. The remit was as per the Council Motion on 22nd October 2020 which did not authorise this action.

27. Have officers had any discussions with officers from neighbouring Cambridgeshire district councils to understand their plans to introduce Civil Parking Enforcement?

No. The remit was as per the Council Motion on 22nd October 2020 which did not authorise this action.

SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES

Committee: Council

Date: 21 October 2021

Author: Democratic Services Manager

[W84]

Member Body	Report No.
<p>1. FINANCE AND ASSETS COMMITTEE – 22 JULY 2021</p> <p><u>Treasury Operations Annual Performance Review</u></p> <p>The Committee considered a report reviewing the Treasury Management activity during the financial year 2020/21 and reporting on the prudential indicators as required by CIPFA’s Treasury Management Code of Practice.</p> <p>The Finance Manager introduced the report and explained that the significant increase in the Council’s cash holdings was mainly related to COVID-19; receipt of various Government funds, both for the Council’s use and for the Council to distribute, and the overall revenue underspend linked to the pandemic.</p> <p>Cllr Bovingdon proposed the recommendations in the report, seconded by Cllr D Ambrose Smith.</p> <p>In response to a Member’s questions, the Finance Manager and S151 Officer provided further information as follows:</p> <ul style="list-style-type: none"> • The exact amount of additional interest that had been earned due to COVID-related Government funding being in the Council’s bank account was not known, although calculations could be made, if needed. Members were reminded that interest rates were generally poor. • Regarding COVID-related funds received from the Government, significant extra Business Rates funding had been provided and was expected to need to be repaid in December. There was also a period of time between the Council receiving funds to be used for supporting local businesses, and those funds being paid out to the recipients. • Regarding the loan repayment from East Cambs Trading Company (ECTC) to the Council and the new loans paid to ECTC from the Council, both transactions 	<p>W42 (attached at Appendix A)</p>

had taken place on 31st March 2021. The new loans of £4.9m, as agreed by Council on 16th July 2020, had been paid to ECTC a short while before the original loan repayment was received. In response to a further question from a Member it was confirmed that for a very short period between the two transactions, there was more money outstanding to the Council from ECTC than the £4.9m that had been approved.

- The S151 Officer remained confident that ECTC was able to repay its loan, and was in the process of arranging a meeting with the ECTC Finance Manager to assess the detailed financial position.
- None of the approved loan to the East Cambs CLT had yet been transferred.

A Member commended the Officer for the internally-managed funds which had demonstrated an average rate of return that was higher than the benchmark 7-day London Inter-bank Bid Rate.

Several Members spoke positively of their personal experiences of receiving COVID-related grants administered by the Council for business or voluntary organisations. They thanked the Infrastructure & Strategy Manager, and other Officers, for their swift and proactive handling of the grants and related queries. Due diligence had been undertaken for all applications, as was important when managing taxpayers' money in order to avoid fraudulent claims. A Member stated that it would be useful to receive an update from Officers regarding the speed of allocation of grants, and how that compared with other Councils.

It was unanimously resolved to RECOMMEND TO COUNCIL:

That the report on the Council's Treasury operations during 2020/21, including the prudential and treasury indicators as set out in Appendix 1, be approved.

2. LICENSING COMMITTEE – 4 OCTOBER 2021

Gambling Act 2005 Statement of Licensing Principles – Three Year Review

The Committee considered a report that contained the revised version of the Council's Gambling Act 2005 - Statement of Principles for Licensing.

W68 (attached at Appendix B)

The Senior Licensing Officer informed the Committee that formal consultation on the draft Statement of Licensing Principles took place between 15 July and 27 August 2021. No consultee responses were received.

A Member highlighted a correction required to paragraph 27.2 of the Statement of Principles to refer to the Disclosure and Barring Service (DBS) rather than the Criminal Records Bureau (CRB). In response to a further question by a Member, the Senior Licensing Officer explained the various consultees listed in Annex A.

It was resolved to RECOMMEND TO COUNCIL:

That Council approve the Gambling Act 2005 - Statement of Principles for Licensing for adoption to come into effect on 31 January 2022 following a period of publication to be not less than 28 days.

AGENDA ITEM NO 11 APPENDIX A

TITLE: 2020/21 TREASURY OPERATIONS ANNUAL PERFORMANCE REVIEW

Committee: Finance and Assets Committee

Date: 22nd July 2021

Author: Finance Manager

[W42]

1.0 ISSUE

- 1.1 To report on the Council's treasury operations during the 2020/21 financial year.
- 1.2 This report reviews the Treasury Management activity during the financial year 2020/21 and reports on the prudential indicators as required by CIPFA's Treasury Management Code of Practice.

2.0 RECOMMENDATION

- 2.1 Members are asked to note the contents of this report on the Council's treasury operations during 2020/21, including the prudential and treasury indicators as set out in Appendix 1 and recommend to Full Council approval of the report.

3.0 BACKGROUND / INTRODUCTION

- 3.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators each year, this is the report for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 3.2 During 2020/21 the minimum reporting requirements were that Full Council should receive the following reports:
- an annual treasury strategy in advance of the year (received by Council on the 20th February 2020);
 - a mid-year treasury update report, (this was reviewed by Finance and Assets Committee on 26th November 2020 and approved by Full Council on the 23rd February 2021);
 - an annual review following the end of the year, describing the activity compared to the strategy (this report).

4.0 RESULTS

- 4.1 Cash investments totalled £18.865 million as at 31st March 2021, an increase of £7.988 million on the previous year. The Council's cash investments were all for periods of less than one year.

4.2 The large increase in cash is mainly down to four events,

- Additional Government funding, awarded to assist councils with issues arising from the Covid-19 pandemic, this included
 - Additional un-ringfenced grant funding for councils
 - Business Rates funding provided in advance to assist with cashflow
 - Grant funding for businesses held by Council between award and payment out to businesses;
- the Council's overall revenue underspend for the year as reported in the financial outturn report (linked to the above);
- additional CIL and Section 106 receipts;
- the non-purchase of additional Waste fleet as was forecast in the original budget.

4.3 The original loans to ECTC were repaid on 31st March 2021 as previously agreed. The Council also on this date, paid to ECTC two further loans to the combined value of £4.9 million as agreed by Council on the 16th July 2020.

4.4 Interest received during the financial year was £281,725, which was £64,685 above the budget of £217,040. This figure was made up of £26,820 from investment in money markets and other short, fixed term investments and £254,905 from the loans to ECTC.

4.5 The average rate of return on cash investments held during the year (this excludes the loan to ECTC) was 0.147%. This was above the benchmark 7 day LIBID compound rate (London Inter-bank Bid Rate) which was 0.070%.

5.0 CONCLUSIONS

5.1 The size of the Council's investment portfolio is relatively small. Meaning that investment decisions have to be made primarily to accommodate cashflow requirements as opposed to optimising investment returns. Despite these pressures, opportunities for some pro-active investment decisions were taken during the year when opportunity arose, with funds being moved to fixed term investments and away from overnight accounts.

5.2 During the financial year the Council operated within its approved treasury limits and prudential indicators.

6.0 APPENDIX

6.1 Annual Treasury Management Review 2020/21

BACKGROUND DOCUMENTS	LOCATION	CONTACT OFFICER
Treasury Management Strategy as approved by Council on 20 th February 2020	Room 104 The Grange Ely	Ian Smith (01353) 616470 E-mail: ian.smith@eastcambs.gov.uk

Annual Treasury Management Review 2020/21

East Cambridgeshire District Council

April 2021

Annual Treasury Management Review 2020/21

1. Introduction

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2020/21 the minimum reporting requirements were that the Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 20/02/2020)
- a mid-year (minimum) treasury update report (Council 23/02/2021)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports, this by the Finance and Assets Committee, before they were reported to the full Council.

No member training on treasury management issues was undertaken during the year, mostly as a consequence of the Covid-19 pandemic.

2. The Council's Capital Expenditure and Financing

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£000	31.3.20 Actual	2020/21 Revised Budget	31.3.21 Actual
Capital expenditure	2,364	11,871	7,159
Financed in year	2,896	1,963	1,979
Unfinanced capital expenditure	-532	9,908	5,180

3. The Council's Overall Borrowing Need

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR).

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council ensures that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2020/21) plus the estimates of any additional capital financing requirement for the current (2021/22) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2020/21. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

£000	31.3.20 Actual	2020/21 Original Budget	31.3.21 Actual
CFR General Fund (£m)	11,761	11,655	11,051
Gross external borrowing position	0	1,000	0
Under / over funding of CFR	11,761	10,655	11,051

The authorised limit - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2020/21 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

£000	2020/21
Authorised limit	10,000
Maximum gross borrowing position during the year	0
Operational boundary	1,000
Average gross borrowing position	0
Financing costs as a proportion of net revenue stream	0%

4. Treasury Position as at 31st March 2021

At the beginning and the end of 2020/21 the Council's treasury, position was as follows:

INVESTMENT PORTFOLIO	31.3.20 Actual £000	31.3.20 Actual %	31.3.21 Actual £000	31.3.21 Actual %
Treasury investments				
Banks	3,094	28.4	7,465	39.6
Local authorities	1,000	9.2	0	0
Money Market Funds	6,783	62.4	11,400	60.4
TOTAL TREASURY INVESTMENTS	10,877	100	18,865	100

Non Treasury investments				
Loan to East Cambs Trading Company	4,220	100	4,900	100
TOTAL NON TREASURY INVESTMENTS	4,220	100	4,900	100

Treasury investments	10,877	72.0	18,865	79.4
Non Treasury investments	4,220	28.0	4,900	20.6
TOTAL OF ALL INVESTMENTS	15,097	100	23,765	100

The maturity structure of the investment portfolio was as follows:

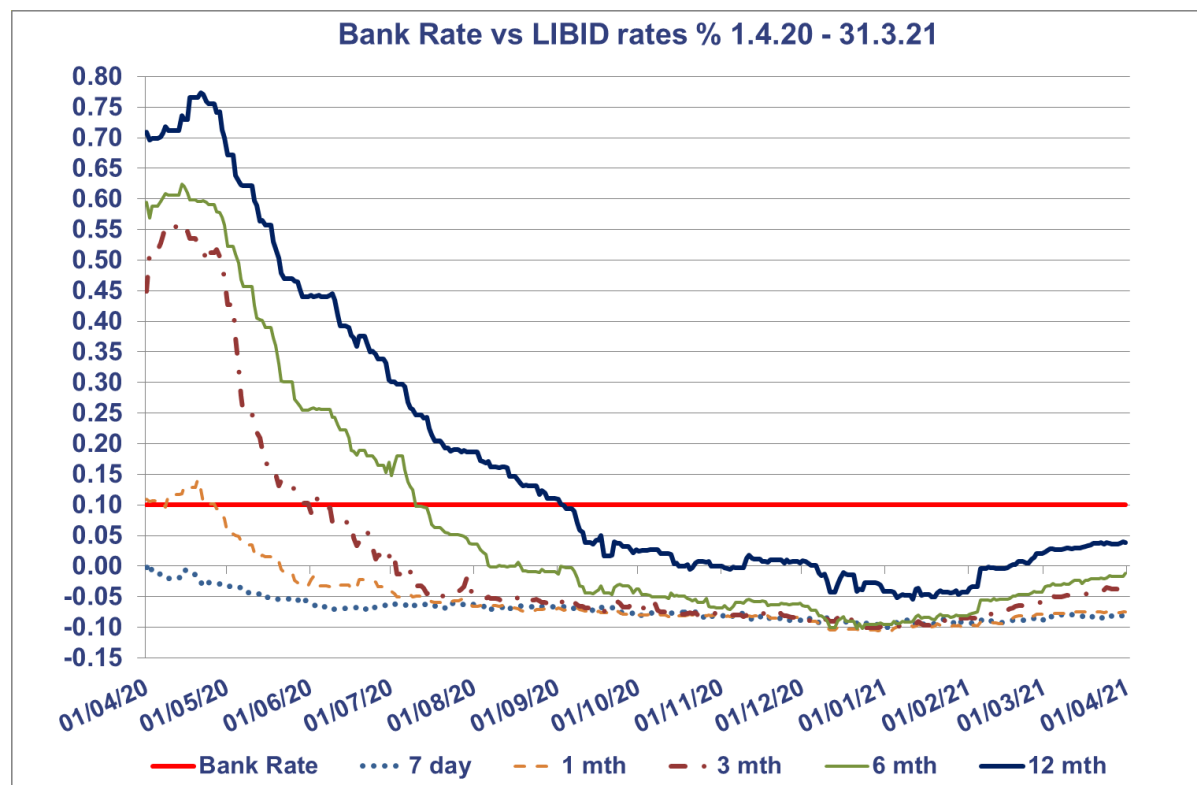
All Money Market investments and the amount held in the Council's main bank account with NatWest are in cash and as such we have instant access to them.

The fixed term investment with Santander (£5 million) had a maturity date of 2nd May 2021.

The loan to East Cambs Trading Company is due to be paid back by / in 2023.

5. The Strategy for 2020/21

5.1 Investment strategy and control of interest rate risk



Investment returns which had been low during 2019/20, plunged during 2020/21 to near zero or even into negative territory. Most local authority lending managed to avoid negative rates and one feature of the year was the growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2020/21 was that Bank Rate would continue at the start of the year at 0.75 % before rising to end 2022/23 at 1.25%. This forecast was invalidated by the Covid-19 pandemic bursting onto the scene in March 2020 which caused the Monetary Policy Committee to cut Bank Rate in March, first to 0.25% and then to 0.10%, in order to counter the hugely negative impact of the national lockdown on large swathes of the economy. The Bank of England and the Government also introduced new programmes of supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the lockdown. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates plummeted.

This authority does not have sufficient cash balances to be able to place deposits for more than a month so as to earn higher rates from longer deposits. While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates as illustrated in the charts shown above and below. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

5.2 Borrowing strategy and control of interest rate risk

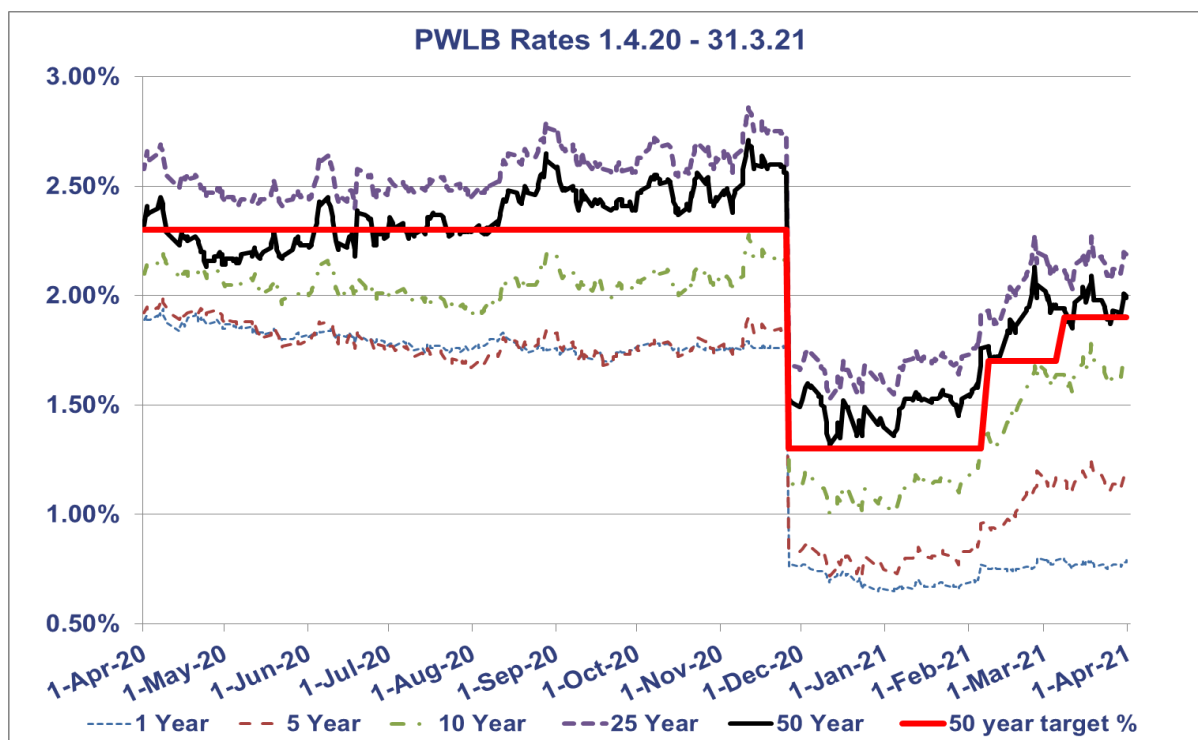
During 2019-20, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were very low and minimising counterparty risk on placing investments also needed to be considered.

The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Finance Manager therefore monitored interest rates in financial markets and adopted a pragmatic strategy.

Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2020/21 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.

Link Group Interest Rate View		8.3.21											
	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24
BANK RATE	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
6 month ave earnings	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
12 month ave earnings	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20	0.20
5 yr PWLB	1.20	1.20	1.20	1.20	1.20	1.20	1.20	1.30	1.30	1.40	1.40	1.40	1.40
10 yr PWLB	1.60	1.60	1.60	1.60	1.70	1.70	1.70	1.80	1.80	1.90	1.90	1.90	1.90
25 yr PWLB	2.10	2.10	2.10	2.20	2.30	2.30	2.30	2.40	2.40	2.50	2.50	2.50	2.50
50 yr PWLB	1.90	1.90	1.90	2.00	2.10	2.10	2.10	2.20	2.20	2.30	2.30	2.30	2.30



PWLB rates are based on, and are determined by, gilt (UK Government bonds) yields through H.M. Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. We have seen over the last two years, many bond yields up to 10 years in the Eurozone turn negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession.

Gilt yields fell sharply from the start of 2020 and then spiked up during a financial markets melt down in March caused by the pandemic hitting western countries; this was rapidly countered by central banks flooding the markets with liquidity. While US treasury yields do exert influence on UK gilt yields so that the two often move in tandem, they have diverged during the first three quarters of 2020/21 but then converged in the final quarter. Expectations of economic recovery started earlier in the US than the UK but once the UK vaccination programme started making rapid progress in the new year of 2021, gilt yields and gilt yields and PWLB rates started rising sharply as confidence in economic recovery rebounded. Financial markets also expected Bank Rate to rise quicker than in the forecast tables in this report.

At the close of the day on 31 March 2021, all gilt yields from 1 to 5 years were between 0.19 – 0.58% while the 10-year and 25-year yields were at 1.11% and 1.59%.

HM Treasury imposed **two changes of margins over gilt yields for PWLB rates in 2019/20** without any prior warning. The first took place on 9th October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then, at least partially, reversed for some forms of borrowing on 11th March 2020. A consultation was then held with local authorities and **on 25th**

November 2020, the Chancellor announced the conclusion to the review of margins over gilt yields for PWLB rates; the standard and certainty margins were reduced by 1% but a prohibition was introduced to deny access to borrowing from the PWLB for any local authority which had purchase of assets for yield in its three year capital programme. The new margins over gilt yields are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be only a gentle rise in gilt yields and PWLB rates over the next three years as Bank Rate is not forecast to rise from 0.10% by March 2024 as the Bank of England has clearly stated that it will not raise rates until inflation is sustainably above its target of 2%; this sets a high bar for Bank Rate to start rising.

6. Investment Outturn

Investment Policy – the Council’s investment policy is governed by MHCLG investment guidance, which has been implemented in the annual investment strategy approved by the Council on XXXX. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows:

Balance Sheet Resources (£000)	31 March 2020	31 March 2021
Earmarked reserves	9,625	10,849
CIL / Section 106	5,486	8,582
Provisions	1,385	5,283
Usable capital receipts	1,449	1,472
Cash / Debtors	4,693	3,730
Internal Borrowing	-11,761	-11,051
Total	10,877	18,865

Investments held by the Council

- The Council maintained an average balance of £18.273 million of internally managed funds.
- Interest of £26,820 was earned on the Council’s investments during 2020/21.
- The internally managed funds earned an average rate of return of 0.147%.
- The comparable performance indicator (as detailed in the Treasury Strategy for 2020/21) is the average 7-day LIBID compound rate, which was 0.070%.

- **ABBREVIATIONS USED IN THIS REPORT**

- **ALMO:** an Arm's Length Management Organisation is a not-for-profit company that provides housing services on behalf of a local authority. Usually an ALMO is set up by the authority to manage and improve all or part of its housing stock.
- **LAS:** Link Group, Treasury solutions – the council's treasury management advisers.
- **CE:** Capital Economics - is the economics consultancy that provides Link Group, Treasury solutions, with independent economic forecasts, briefings and research.
- **CFR:** capital financing requirement - the council's annual underlying borrowing need to finance capital expenditure and a measure of the council's total outstanding indebtedness.
- **CIPFA:** Chartered Institute of Public Finance and Accountancy – the professional accounting body that oversees and sets standards in local authority finance and treasury management.
- **CPI:** consumer price index – the official measure of inflation adopted as a common standard by countries in the EU. It is a measure that examines the weighted average of prices of a basket of consumer goods and services, such as transportation, food and medical care. It is calculated by taking price changes for each item in the predetermined basket of goods and averaging them.
- **ECB:** European Central Bank - the central bank for the Eurozone
- **EU:** European Union
- **EZ:** Eurozone -those countries in the EU which use the euro as their currency
- **Fed:** the Federal Reserve System, often referred to simply as "the Fed," is the central bank of the United States. It was created by the Congress to provide the nation with a stable monetary and financial system.
- **FOMC:** the Federal Open Market Committee – this is the branch of the Federal Reserve Board which determines monetary policy in the USA by setting interest rates and determining quantitative easing policy. It is composed of 12 members--the seven members of the Board of Governors and five of the 12 Reserve Bank presidents.
- **GDP:** gross domestic product – a measure of the growth and total size of the economy.
- **G7:** the group of seven countries that form an informal bloc of industrialised democracies--the United States, Canada, France, Germany, Italy, Japan, and the United Kingdom--that meets annually to discuss issues such as global economic governance, international security, and energy policy.
- **Gilts:** gilts are bonds issued by the UK Government to borrow money on the financial markets. Interest paid by the Government on gilts is called a coupon and is at a rate that is fixed for the duration until maturity of the gilt, (unless a gilt is index linked to inflation); while the coupon rate is fixed, the yields will change inversely to the price of gilts i.e. a rise in the price of a gilt will mean that its yield will fall.

- **IMF:** International Monetary Fund - the lender of last resort for national governments which get into financial difficulties.
- **LIBID:** the London Interbank Bid Rate is the rate bid by banks on deposits i.e., the rate at which a bank is willing to borrow from other banks. It is the "other end" of the LIBOR (an offered, hence "ask" rate, the rate at which a bank will lend).
- **MHCLG:** the Ministry of Housing, Communities and Local Government -the Government department that directs local authorities in England.
- **MPC:** the Monetary Policy Committee is a committee of the Bank of England, which meets for one and a half days, eight times a year, to determine monetary policy by setting the official interest rate in the United Kingdom, (the Bank of England Base Rate, commonly called Bank Rate), and by making decisions on quantitative easing.
- **MRP:** minimum revenue provision -a statutory annual minimum revenue charge to reduce the total outstanding CFR, (the total indebtedness of a local authority).
- **PFI:** Private Finance Initiative – capital expenditure financed by the private sector i.e. not by direct borrowing by a local authority.
- **PWLB:** Public Works Loan Board – this is the part of H.M. Treasury which provides loans to local authorities to finance capital expenditure.
- **QE:** quantitative easing – is an unconventional form of monetary policy where a central bank creates new money electronically to buy financial assets, such as government bonds, (but may also include corporate bonds). This process aims to stimulate economic growth through increased private sector spending in the economy and also aims to return inflation to target. These purchases increase the supply of liquidity to the economy; this policy is employed when lowering interest rates has failed to stimulate economic growth to an acceptable level and to lift inflation to target. Once QE has achieved its objectives of stimulating growth and inflation, QE will be reversed by selling the bonds the central bank had previously purchased, or by not replacing debt that it held which matures. The aim of this reversal is to ensure that inflation does not exceed its target once the economy recovers from a sustained period of depressed growth and inflation. Economic growth, and increases in inflation, may threaten to gather too much momentum if action is not taken to ‘cool’ the economy.
- **RPI:** the Retail Price Index is a measure of inflation that measures the change in the cost of a representative sample of retail goods and services. It was the UK standard for measurement of inflation until the UK changed to using the EU standard measure of inflation – CPI. The main differences between RPI and CPI is in the way that housing costs are treated and that the former is an arithmetical mean whereas the latter is a geometric mean. RPI is often higher than CPI for these reasons.
- **TMSS:** the annual treasury management strategy statement reports that all local authorities are required to submit for approval by the full council before the start of each financial year.
- **VRP:** a voluntary revenue provision to repay debt, in the annual budget, which is additional to the annual MRP charge, (see above definition).

GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW

COMMITTEE: LICENSING COMMITTEE

DATE: 4 OCTOBER 2021

AUTHOR: SENIOR LICENSING OFFICER [W68]

1.0 ISSUE

1.1 To approve the revised version of the Council’s Gambling Act 2005 - Statement of Principles for Licensing.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report, and approve the revised version of the Gambling Act 2005 - Statement of Principles for Licensing, subject to such amendments that they consider appropriate having considered the content of this report.

2.2 That Members recommend the approved Gambling Act 2005 - Statement of Principles for Licensing to full Council for adoption to come into effect on 31 January 2022 following a period of publication to be not less than 28 days.

3.0 BACKGROUND

3.1 The draft Statement of Principles of Licensing (**Appendix 1**) was prepared and approved for formal consultation in July 2021 under delegated authority.

3.2 The formal consultation took place between 15 July 2021 and 27 August 2021. No consultee responses were received.

4.0 SUMMARY

4.1 **Table 1** below provides an overview of the amendments to the policy contained in the consultation document.

Table 1

Current policy wording	Proposed amendment
16.17 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.	16.17 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected, and in the case of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must include a self-exclusion scheme. The Licensing Authority would consider it desirable to have a self-exclusion scheme where one is not formally required.

AGENDA ITEM NO 11 APPENDIX B

N/A	<p>13.6 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken. Where the Licensing Authority considers a multi-agency approach may be beneficial, it will contact the Commission in the first instance to agree if this is appropriate, this also includes any planned test purchase operations, to ensure that these do not conflict with any other ongoing investigations.</p>
N/A	<p>24.1 S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Licensing Authority considers the mention of 'other sporting event' should be interpreted widely, and could therefore, include for example football, cricket, or golf.</p>
<p>32.3 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded.</p>	<p>32.3 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded. A day is defined as midnight to midnight, and not simply 24 hours across 2 days. A separate OUN is required for each day.</p>
<p>In addition to the four amendments above, the organisational contact list was updated.</p>	

5 CONCLUSIONS

- 5.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of Principles for Licensing that they propose to apply in exercising their functions under the 2005 Act during the three-year period to which the policy applies.
- 5.2 Regulations and the Statutory Guidance to Licensing Authorities, issued by the Gambling Commission specifies the scope and content of the Statement of Principles for Licensing.
- 5.3 The attached draft Statement of Principles for Licensing at **Appendix 1** is in line with these requirements.
- 5.4 Failure to approve a revised policy before 31 January 2022 will result in the inability to determine applications under the 2005 Act until such time as a policy is approved and published.

AGENDA ITEM NO 11 APPENDIX B

5.5 The consultation exercise did not attract any positive or adverse comments, and largely reflects legislative and/or statutory guidance changes, and for that reason, Members are recommended to recommend Council to adopt these changes in their entirety, as per the consultation document.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no cost implications over and above the normal costs of administering the 2005 Act.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community.

7.0 APPENDICES

7.1 Appendix 1 Draft Statement of Principles for Licensing

7.2 Appendix 2 Equality Impact Assessment (EIA)

Background Documents

	<u>Location</u>	<u>Contact Officer</u>
The Gambling Act 2005	Room SF208	Stewart Broome
Gambling Commission guidance for Local Authorities published April 2021.	The Grange, Ely	Senior Licensing Officer (01353) 616477



East Cambridgeshire District Council

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

2022

Published: TBC
Effective: 31 January 2022
Version number:
Date of expiry: 30 January 2025

FOREWORD

This is the sixth Statement of Principles produced by East Cambridgeshire District Council under the Gambling Act 2005 and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 2022.

The Gambling Act 2005 created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These authorities are responsible for issuing a number of different permits as well as temporary and occasional use notices.

The Statement of Principles sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

The Statement of Principles will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

Summary of 6th Revision

The matters dealt with by this revision are as follows:

- 1) Amendment of paragraph 16.17 to reflect Social Responsibility Code Provision 3.5.6 regarding self-exclusion schemes in Local Risk Assessments
- 2) Paragraph on premises inspections inserted as paragraph 13.6
- 3) Definition of a track inserted as paragraph 24.1
- 4) Definition of a day added to paragraph 32.3 regarding OUNS
- 5) Updated organisational contact details in Annex B

The list of those consulted can be found on page 27.

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL
GAMBLING ACT 2005
STATEMENT OF PRINCIPLES**

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PART A

1.0 INTRODUCTION

1.1 This Statement of Principles sets out the principles East Cambridgeshire District Council, as the Licensing Authority under the Gambling Act 2005, referred to in this document as 'the Act', proposes to apply in discharging its functions to licensed premises for gambling under the Act, as well as:

- designating the body responsible for advising the Licensing Authority on the protection of children from harm;
- determining whether or not a person is an 'Interested Party';
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.

2.3 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires gambling premises to undertake a local risk assessment taking into consideration the local information. More information can be found on page 13 starting at section 16.12.

3.0 DESCRIPTION OF THE DISTRICT

3.1 East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 84,700 (mid 2012 est.) and covers an area of almost 65,500 hectares. The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East. The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

Map of East Cambridgeshire District.



4.0 **RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act introduced a licensing regime for commercial gambling to be conducted by the Gambling Commission and by licensing authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each district or borough council as the licensing authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. East Cambridgeshire District Council is the Licensing Authority for the East Cambridgeshire District.
- 4.3 The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in adult gaming centres and family entertainment centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines;

- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt small society lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Licensing Authority's Statement of Principles.

4.6 Before the Licensing Authority can determine an application for a premises licence, an operating and personal licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF PRINCIPLES

5.1 The Licensing Authority is required by the Act to publish a Statement of Principles containing the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Statement'. This Statement must be reviewed and published every three years. The Statement must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.

5.3 This Statement of Principles takes effect on 31 January 2022.

6.0 CONSULTATION

6.1 In producing this Statement, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Licensing Authority chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex A.

6.2 The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

6.3 The other groups and people consulted were:

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Social Services;
- Other tiers of local government;
- Businesses who are holders of GA05 premises licences;
- Responsible authorities under the Act.

6.4 The Licensing Authority's consultation took place between 30 July 2021 and 10 September 2021.

7.0 **APPROVAL OF STATEMENT OF PRINCIPLES**

7.1 This Statement was approved at a meeting of the full Council on 21 October 2021 and was published via its website. Copies are available on request.

7.2 It should be noted that this Statement does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the statutory requirements of the Gambling Act 2005.

8.0 **DECLARATION**

8.1 In this Statement the Licensing Authority declares that it has had regard to the licensing objectives of the Act, formal Guidance issued to licensing authorities by the Gambling Commission and any responses from those consulted during the consultation process.

8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Impacts Needs Assessment Scheme.

8.3 Any information and guidance contained within this Statement of Principles is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005 or the Guidance or Regulations issued under the Act.

9.0 **RESPONSIBLE AUTHORITIES**

9.1 A full list of the responsible authorities designated under the Act and their contact details are given in Annex B. It should be noted that under the Act, the Licensing Authority is designated as a responsible authority.

9.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the licensing authority:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons rather than any particular interest group etc.

9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Cambridgeshire Local Safeguarding Children Board, for this purpose.

10.0 **INTERESTED PARTIES**

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

'... a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraphs (a) or (b).'

10.2 Licensing authorities are required by Regulations to state the principles they will apply in exercising their powers under the Act to determine if a person is an interested party. The principles are:

- Each case will be decided upon its own merits. This Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission Guidance to Licensing Authorities.
- The Licensing Authority will also consider the Gambling Commission Guidance that 'business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

10.3 Interested parties can be persons who are democratically elected, such as district and parish councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.

10.4 District Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.5 Other than those parties listed in 10.3, this authority will generally require written evidence that a person or body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.

10.6 The Licensing Authority considers that trade associations, trade unions and residents' and tenants' associations qualify as interested parties where they can demonstrate that they represent persons in 10.1 (a) or (b) above.

10.7 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:

- Provisions of the Gambling Act 2005, which include the provision that the Data Protection Act 1998 will not be contravened;
- Guidance issued by the Gambling Commission;
- Data Protection Act 1998;
- General Data Protection Regulation (GDPR) will be observed

- Human Rights Act 1998;
- Freedom of Information Act 2000;
- Environmental Information Regulations 2004;
- Common Law Duty of Confidence;
- Electronic Communications Act 2000;
- Computer Misuse Act 1990;
- Criminal Procedure and Investigations Act 1996; and
- Crime and Disorder Act 1998.

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail, which will include:

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

12.0 PUBLIC REGISTER

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

13.0 COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton review of regulatory inspections and enforcement and endeavour to be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme, based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission, in particular at Part 36 of the Act;
- the principles set out in this statement of principles.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions it authorises.

13.4 The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacturer, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

13.5 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

13.6 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken. Where the Licensing Authority considers a multi-agency approach may be beneficial, it will contact the Commission in the first instance to agree if this is appropriate, this also includes any planned test purchase operations, to ensure that these do not conflict with any other ongoing investigations.

14.0 LICENSING AUTHORITY FUNCTIONS

14.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where there are more than two machines;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;
- receive and endorse temporary use notices (TUNs);
- receive occasional use notices (OUNs);
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- maintain registers of the permits and licences that are issued under these functions.

14.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

14.3 It should be noted that licensing authorities are not involved in spread betting activities, which are regulated by the Financial Conduct Authority.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

15.0 DELEGATION OF POWERS

15.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found at Annex C.

16.0 GENERAL PRINCIPLES

16.1 Premises licences are subject to the requirements set out in the Act, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is considered appropriate.

16.2 Decision making

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the user of premises for gambling in so far as it considers it is:

- in accordance with any relevant code(s) of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

16.3 The Licensing Authority is aware that in accordance with Gambling Commission Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences', except as regards any 'no casino resolution'.

16.4 Definition of premises

The Act defines 'premises' as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building could be reasonably regarded as being different premises. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the Guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

16.5 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

16.6 The Licensing Authority takes note of the Gambling Commission's Guidance to licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and is aware that:

- the third licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the premises licence.

16.7 The Licensing Authority is aware that Gambling Commission Guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

16.8 Premises ready for gambling

An application can only be made where the applicant holds an operating licence with the Gambling Commission, or has a pending operating licence application with the Gambling Commission for the premises licence type they wish to submit to the Licensing Authority and they also have a legal right to occupy the premises they wish to licence. If the applicant does not yet have a right to occupy their chosen premises, and/or the premises is under construction, an applicant may wish to apply for a provision statement instead to judge whether a development is worth taking forward (see section 17).

16.9 Plans

Regulations state that plans must show the location and extent of any part of the premises used for gambling. Applicants will be expected to provide plans which are sufficiently detailed to enable the Licensing Authority to determine it will be compliant with the s153 principles of the Gambling Act 2005.

16.10 Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

16.11 Demand

Demand is a commercial consideration and is not an issue for the Licensing Authority.

16.12 Location

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

16.13 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area;
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- the size of the premises and the nature of the activities taking place;
- any levels of organised crime in the area.

16.14 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives, if an application is to be refused. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

16.15 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

16.16 The council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

16.17 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected, and in the case of all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must include a self-exclusion scheme. The Licensing Authority would consider it desirable to have a self-exclusion scheme where one is not formally required.

16.18 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

16.19 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

16.20 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

16.21 Duplication with other regulatory regimes

The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will though, listen to and consider carefully, any concerns about conditions

which are not able to be met by licensees due to planning restrictions, should such a situation arise.

16.22 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

16.23 Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the following will be considered:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime**

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

- **Ensuring that gambling is conducted in a fair and open way**

The Gambling Commission does not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an operating licence. In such circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

The Licensing Authority will consider this licensing objective on a case by case basis to determine if specific measures are required at particular premises including tracks.

- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Licensing Authority will consider if specific measures are required at particular premises with regard to this licensing objective.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider this licensing objective on a case by case basis.

16.24 Conditions

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, such as buildings subject to multiple premises licences, the Licensing Authority may consider attaching individual conditions related to the licensing objectives.

16.25 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

16.26 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- proof of age schemes;
- CCTV;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

16.27 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.28 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with Guidance issued by the Gambling Commission, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

16.29 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met.

16.30 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences. These are:

- any conditions on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

16.31 Door supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by door supervisors and is entitled to impose a premises licence condition to this effect.

16.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, the Licensing Authority will consider if the door supervisors are required to be SIA licensed or not. The Licensing Authority will not automatically assume that all door supervisors need to be SIA licensed, as it is aware that the statutory requirements for door supervision for different types of premises vary.

16.33 Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

16.34 Betting machines

The Licensing Authority will, in line with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

16.35 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

16.36 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

16.37 Nothing contained in paragraphs 16.34 to 16.36 is intended to override the provisions of section 172 of the Gambling Act 2005 to provide gaming machines under the authority of a Premises Licence.

17.0 PROVISIONAL STATEMENTS

17.1 Developers may wish to apply to the Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises is constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by representations at the provisional statement application stage;
- which in the Authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

18.0 REPRESENTATIONS AND REVIEWS

18.1 Representations and applications for a review of a premises licence may be made by responsible authorities and interested parties.

18.2 The Licensing Authority can make a representation or apply for a review of the premises licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Licensing Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.

18.3 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- frivolous or vexatious;
- based on grounds that will certainly not cause the Licensing Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence;
- substantially the same as previous representations or requests for a review;
- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives.

18.4 There is no appeal against the Licensing Authority's determination of the relevance of an application for review.

19.0 ADULT GAMING CENTRES

19.1 Entry to an adult gaming centre is age restricted to persons aged 18 years and over.

19.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

20.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES

20.1 Entry to a (licensed) family entertainment centre is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

20.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

21.0 CASINOS

21.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

21.2 Casinos and competitive bidding

The Licensing Authority is aware that where a licensing authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators wishing to run a casino. In such situations the Licensing Authority will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this statement of licensing policy was adopted this area had not been so enabled.

21.3 Betting machines

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence where betting is permitted in the casino. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things will take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

21.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on decided on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

21.5 Credit

Credit facilities are prohibited in casinos, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22.0 BINGO PREMISES

- 22.1** Entry to a bingo premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.
- 22.2** The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.
- 22.3 Credit**
Credit facilities are prohibited in premises licensed for bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.
- 23.0 BETTING PREMISES**
- 23.1** Entry to a premises where betting takes place other than at a track, previously known as a licensed betting shop, is age restricted.
- 23.2** The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.
- 24.0 TRACKS**
- 24.1** S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Licensing Authority considers the mention of 'other sporting event' should be interpreted widely, and could therefore, include for example football, cricket, or golf.
- 24.2** The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 24.3** In line with Guidance issued by the Gambling Commission, the Licensing Authority will especially consider the impact upon the third licensing objective, the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 24.4** The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.5** In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:
- proof of age schemes;
 - CCTV;
 - door supervisors;
 - supervision of entrances/machine areas;
 - physical separation of areas;
 - location of entry;
 - notices and signage;
 - specific opening hours; and
 - with particular regard to vulnerable persons, provision of information, leaflets, helpline numbers for organisations such as Gamcare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

24.6 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement for four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded.

24.7 Betting machines

The Licensing Authority will, in line with Part 6 of the Gambling Commission Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

25.0 TRAVELLING FAIRS

25.1 The Licensing Authority is responsible for deciding whether, and where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, and that the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

25.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with its neighbouring authorities to ensure that land that crosses the East Cambridgeshire district boundaries is monitored so that the statutory limits are not exceeded.

PART C

PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

26.0 GENERAL

26.1 Forms, method of application, definitions and any additional information required for permits covered by this section are available as separate guidance and information documents.

27.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of licensing principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:

- a basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

28.0 GAMING MACHINE PERMITS IN ALCOHOL LICENSED PREMISES

28.1 There is provision in the Act for premises licensed to sell alcohol under part 3 of the Licensing Act 2003 for consumption on the premises to automatically have two gaming machines of categories C and/or D. To use this entitlement the premises licence holder needs to give notice to the Licensing Authority of the intention to make gaming machines available for use and pay the prescribed fee.

28.2 Gaming machines can be located on premises for which a licence for the sale by retail of alcohol or supply of alcoholic liquor for consumption on the premises has been issued. Such premises must have a bar for serving customers.

28.3 Premises restricted to selling alcohol on the premises only with food have no entitlement for the provision of gaming machines on the premises.

28.4 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act;
- the premises are mainly used for gaming; or

- an offence under the Act has been committed on the premises.

28.5 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the gaming machines. Measures will cover such issues as:

- gaming machines being in sight of the bar;
- gaming machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- appropriate notices and signage; and
- as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the provision of information, leaflets/help line numbers for organisations such as Gamcare.

28.6 The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

28.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

29.0 PRIZE GAMING PERMITS

29.1 Statement of licensing principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:

- a basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - ❑ unsupervised, very young children being on the premises;
 - ❑ children causing perceived problems on/around the premises; and
 - ❑ suspected truant children.

29.2 In making its decision on an application for a permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

30.0 CLUB GAMING AND CLUB MACHINE PERMITS

30.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.

30.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

- 30.3** Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
 - notices and signage
 - the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 30.4** Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 30.5** The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 30.6** There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 31.0** **TEMPORARY USE NOTICES (TUNs)**
- 31.1** The organisations designated to receive TUNs and to issue objections are:
- Licensing Authority;
 - Gambling Commission;
 - Cambridgeshire Constabulary;
 - HM Commission for Revenues and Customs;
 - if applicable, any other licensing authority in whose area the premises are situated (if the premises crosses the border between two licensing authority areas).
- 31.2** A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. TUNs can only be issued for equal chance gaming.
- 31.3** For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days in any 12 month period by giving a notice in respect of different parts.
- 31.4** The definition of a 'set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of 'a set of premises', the Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.
- 31.5** The Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32.0 OCCASIONAL USE NOTICES (OUNs)

- 32.1** Occasional Use Notices (OUNs) apply only to tracks. Tracks need not be a permanent fixture.
- 32.2** OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a full betting premises licence for the track.
- 32.3** The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded. A day is defined as midnight to midnight, and not simply 24 hours across 2 days. A separate OUN is required for each day.
- 32.4** The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the notice.
- 32.5** The person designated to receive and validate OUNs is the Environmental Services Manager. A copy of the OUN must be served on the Chief Officer of Police for the district for which the OUN has been served.

33.0 SMALL SOCIETY LOTTERIES

- 33.1** A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 33.2** The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 33.3** A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in East Cambridgeshire District Council and want to run such lottery.
- 33.4** A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 33.5** To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity;
or
 - for any other non-commercial purpose other than that of private gain.
- 33.6** The other types of exempt lotteries are 'incidental lotteries' (formally known as incidental non-commercial lotteries), 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries, please visit the licensing pages at www.eastcambs.gov.uk.
- 33.7** The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993. A small society lottery requires registration with the Licensing Authority.

34.0 USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts of organisations involved in gambling, some of which provide codes of practice on their particular interest area.

Their contact details can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

LIST OF CONSULTEES – Annex A

Cambridgeshire Constabulary

Cambridgeshire Fire and Rescue Service

Cambridgeshire Local Safeguarding Children Board

Primary care trust

East Cambridgeshire Community Safety Partnership

East Cambridgeshire District Council Environmental Health (Domestic)

East Cambridgeshire District Council Health and Safety Authority

East Cambridgeshire District Council Planning Authority

Gambling Commission

HM Revenue and Customs

Parish, town councils

District councillors

Members of the general public

National bodies representing the gambling and licensed trade

ECDC Premises Licence holders

Local support, faith, and help groups and organisations

RESPONSIBLE AUTHORITIES – Annex B

ORGANISATION	CONTACT AND ADDRESS
Cambridgeshire Constabulary	Licensing Section Chief of Police (Licensing) Cambridgeshire Constabulary Parkside Police Station Parkside Cambridge CB1 1JG Tel: 101 Email: licensingouth@cambs.pnn.police.uk
Cambridgeshire Fire and Rescue Service	Cambridge Fire & Rescue Service Cambridge Fire Station Parkside Cambridge Tel: 01223 376201 Email: danny.hans@cambsfire.gov.uk
Local Safeguarding Children Board	Email: Safeguardingboards@cambridgeshire.gov.uk
Planning Authority	Principal Development Control Officer Development Control The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: plservices@eastcambs.gov.uk
Environmental Health Domestic Section	Senior Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: domlicenceconsult@eastcambs.gov.uk
Environmental Health Health & Safety	Senior Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: foodandsafety@eastcambs.gov.uk
HM Revenue & Customs	HM Revenue & Customs 12 th Floor Alexander House Victoria Avenue Southend-on-Sea Essex SS9 1BD
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Email: info@gamblingcommission.gov.uk

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS – Annex C

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

EQUALITY IMPACT ASSESSMENT (EIA) FORM

Name of Policy:	Gambling Act 2005 – Statement of Principles for Licensing
Lead Officer (responsible for assessment):	Stewart Broome
Department:	Licensing
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date EIA Completed:	2/9/21

What is an Equality Impact Assessment (EIA)?

As part of any effective policy development process, it is important to consider any potential risks to those who will be affected by the policy's aims or by its implementation. The Equality Impact Assessment (EIA) process helps us to assess the implications of our decisions on the whole community, to eliminate discrimination, tackle inequality, develop a better understanding of the community we serve, target resources efficiently, and adhere to the transparency and accountability element of the Public Sector Equality Duty.

The word 'policy', in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision.

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The Licensing Authority has a statutory duty to produce and review a Statement of Principles for Licensing under the Gambling Act 2005 every three years or sooner if deemed necessary in order to issue permissions under the Act.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Persons wishing to conduct gambling activities in the district.

- (c) **Is the EIA informed by any information or background data (quantitative or qualitative)?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

Yes – a full consultation took place between 15 July 2021 and 27 August 2021. No responses were received.

- (d) **Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics?** (please tick all that apply)

Ethnicity	<input type="checkbox"/>	Age	<input type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	Marriage & Civil Partnership	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	Caring Responsibilities	<input type="checkbox"/>

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

N/A

(e) Does the policy have a differential impact on different groups?	NO
(f) Is the impact <i>adverse</i> (i.e. less favourable)?	NO
(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?	NO

(h) How have you engaged stakeholders in gathering evidence or testing the policy proposals? Who was involved, how and when where they engaged? Does the evidence show potential for differential impact? How will you mitigate any negative impacts? Where there is the potential for an adverse impact that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the EIA.

A full consultation took place between 15 July 2021 and 27 August 2021.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders.

(i) Summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

No responses were received

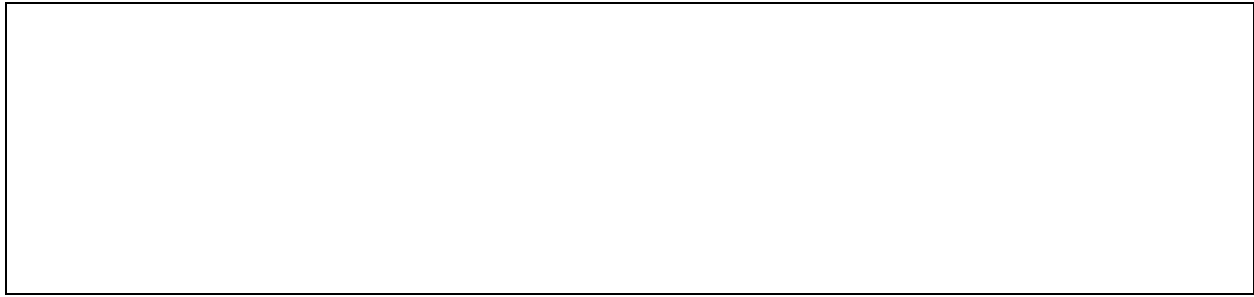
(j) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

None

(k) Use the information gathered in the earlier stages of your EIA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major change - the evidence shows that the policy is robust and no potential for discrimination.	X
Option 2:	Adjust the policy - to remove barriers or to better promote equality.	
Option 3:	Continue the policy - despite potential for adverse impact or missed opportunity to promote equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Option 4:	Stop and remove the policy – if the policy shows adverse effects that cannot be justified.	

(l) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.



This completed EIA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to the Principal HR Officer.**

All completed EIAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you may be asked to attend a half-an-hour session to summarise the findings of the EIA to the Scrutiny and Verification panel.

Signatures:

Completing Officer:	Stewart Broome	Date:	2/9/2021

	Liz Knox	Date:	2/9/2021
Head of Service:	_____	Date:	_____

AGENDA ITEM NO 12

TITLE: East Cambridgeshire Local Plan (Single Issue Review) – Second Consultation

Committee: Full Council

Date: 21 October 2021

Author: Richard Kay – Strategic Planning Manager

[W85]

1.0 ISSUE

1.1 To update Members on progress with the very limited update of our Local Plan; seek agreement to proceed to consultation; and more broadly update on planning policy matters.

2.0 RECOMMENDATION(S)

2.1 That Council:

- I. Authorises the second round of consultation to take place on the very limited partial update of the 2015 Local Plan, as set out at Appendix 1.

3.0 BACKGROUND/OPTIONS

Introduction

3.1 Previous reports to Full Council (such as in February and October 2019, and October 2020) provided detailed background as to Council's position in respect of planning policy, but in short, the current main 'framework' of planning policy in the district is as follows:

- East Cambridgeshire Local Plan – April 2015
- Adopted Neighbourhood Plans for Fordham, Sutton and Witchford
- A collection of Supplementary Planning Documents (SPDs) covering a variety of thematic areas

3.2 One decision arising from the 22nd October 2020 Full Council meeting was approval for the Council to prepare a very limited update of a small part of its 2015 Local Plan. Where just a small part of a Local Plan is to be updated (rather than a completely new plan), it is often referred to as a 'Single Issue Review' (SIR). In our case, the SIR is focussed solely on the *housing requirement* (or housing 'target') that East Cambridgeshire should plan for, for the period 2011-31. For a number of reasons, it was determined that the *housing requirement* figure in the 2015 Local Plan was now 'out of date' and in need of updating. The SIR would achieve this update, but leave the rest of the Plan unaltered.

- 3.3 It is important to bring the *housing requirement* figure up to date because it is fundamental to assessing whether or not the Council can demonstrate it has a sufficient supply of housing sites to meet requirements (‘the ‘five year land supply test’) as well as demonstrate whether the district has built a sufficient number of homes in the past 3 years (the ‘housing delivery test’). If the Council fails either of those tests, then there are significant consequences on how the Council must consider planning applications, with speculatively applications on unallocated sites much more likely to be submitted by developers, and in turn such applications have a stronger likelihood of being approved (whether by the Council or on appeal).
- 3.4 An update on the latest five year land supply and housing delivery tests is set out later in this report.

Single Issue Review (SIR) of the 2015 Local Plan

- 3.5 The Council’s Local Plan remains its 2015 version, having reluctantly withdrawn its emerging replacement one in 2019.
- 3.6 As reported to Full Council in October 2020, being greater than five years old it is necessary (by law) to regularly review its content to determine how ‘up to date’ it is. The Council undertook, and published, its last formal Review in April 2020. That Review, in summary, concluded that the:

“...Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement. Other strategic housing policies may also be updated during the course of updating GROWTH1, should that be necessary.

The rest of the Local Plan is considered to not, at the present time, be in need of updating, therefore a full update of the Local Plan is not considered necessary.

However, whilst only one policy has been identified in need of updating, this does not prevent the council from commencing preparation of a new Local Plan, in whole or part, on matters as it sees fit.”

- 3.7 Having reached the above conclusion, Full Council subsequently agreed in October 2020 to commence preparation of a limited update of the Local Plan, focussing on the matters identified in the Review, namely GROWTH1 and its *housing requirement*, and possibly, consequentially, other policies if strictly necessary. The options to ‘do nothing’ or undertake a more comprehensive Local Plan update (including new allocations) were rejected by Full Council.
- 3.8 In essence, the update of Policy Growth 1 and the *housing requirement* figure it contains is somewhat a factual update. This is because national policy stipulates the rules in terms of what the *housing need* should be for a local area (known as the ‘local housing need’ (LHN) for an area) and the method for working it out (the

national 'standard method'). The variables and data used in the standard method are all based on nationally published formula and statistics, so there is no scope to arrive at any local *housing need* figure other than one derived by the standard formula using government published data. Theoretically, a local area could set its *housing requirement* figure (i.e. the target number of homes it actually is to be tested against) as being different from the local *housing need* figure, but in reality, the vast majority of councils simply use the local *housing need* figure as their *housing requirement* figure.

- 3.9 Exceptions to this rule could be if a council area:
- was to offload any *housing need* on to a neighbouring council (and hence lower its own *housing requirement*);
 - was to received additional *housing need* from a neighbouring council (and hence increase its own *housing requirement*); or
 - was to adjust its *housing need* figure due to 'exceptional circumstances' such as increasing the number in order to match high employment growth or infrastructure investment programmed in the area (and hence its *housing requirement* figure would be set higher than its *housing need*).
- 3.10 There is no evidence to suggest that East Cambridgeshire should apply any such exceptions, therefore the *housing requirement* figure should, officers recommend, be set at the local *housing need* figure (note: some representors object to this approach, predominantly those from the development industry seeking a higher housing target).
- 3.11 A first round (of three) consultation took place in March-May 2021, and generated a relatively small number of responses. A summary of these responses, and the officer recommended position, is attached at Appendix 2. Unsurprisingly, considering the very limited and technical update of the Local Plan, the responses were primarily from the development industry.
- 3.12 Whilst the responses have been carefully considered, officers do not recommend that the proposed SIR be fundamentally amended in approach than that set out in the first round consultation document. For example, we see no reason to meet some representor requests to: extend the plan period; undertake wider policy update; or include new site allocations in the updated Plan. These are all matters which can await a full review of the Local Plan.

SIR Second Round consultation

- 3.13 Attached at Appendix 1 is a draft second round consultation document, for Full Council approval. The proposals of the first round are largely taken forward, but this time the specific word changes to the Plan are also set out.
- 3.14 Full Council is asked to approve the second round consultation document, and authorise it for consultation. Our previously agreed timetable (in a document known as a 'Local Development Scheme' (LDS)) established that the second round consultation would take place in Jan-Feb 2022, and by law we must align to that timetable. However, provided we are consulting in at least some or all of Jan-Feb 2022, there is nothing to stop us consulting early. As such, officers are

proposing to commence the consultation in December, and end the consultation in early February, making sure there is a minimum 8 week consultation rather than the statutory minimum 6 weeks (thus allowing for the Christmas break).

- 3.15 Post that second round consultation, the third and final consultation version SIR will be prepared and, subject to Full Council approval in due course, consulted upon and submitted for independent examination.

Wider Planning Policy Update

- 3.16 Whilst the focus of this agenda item relates to approving the Local Plan SIR for consultation, a brief update on wider planning policy matters is considered timely.

- 3.17 First, from a national perspective, it was almost a year to this day that Full Council approved this Council's submission to Government in terms of its views on the Planning White Paper. Since then, there has been no formal announcement of the Government's position in terms of taking forward the Planning White Paper, other than reference to a 'Planning Bill' in the Queen's Speech and, more recently, the new Minister (Michael Gove) for the Department for Levelling Up, Homes and Communities announcing on 17 September that the planning reforms would be 'paused' whilst the proposals were reviewed. There is uncertainty as to when the planning bill will be presented, and to what degree it will match the Prime Minister's desire at the time of launching the Planning White paper (at which point he stated a desire to "*tear it down and start again*" and create "*a whole new planning system for England*" - press speculation suggests that the reforms will be significantly less than originally set out).

Neighbourhood Planning

- 3.18 Parish and Town Councils across East Cambridgeshire are extremely active at present in terms of progressing Neighbourhood Plans. Whilst such Plans are matters for such Councils to progress, we support them along the way and have certain statutory duties to perform. At present, we are aware of and actively engaging with the following parish / town councils (engagement varies, depending on the support needed and the stage of preparation):

- Reach
- Isleham
- Cheveley
- Soham
- Swaffham Bulbeck
- Haddenham
- Sutton (review of its current adopted Plan)

Other Parish/Town Councils have also engaged with officers, to explore the potential of a Plan or to undertake very early steps in the process.

- 3.19 Whilst it is very pleasing to see all this activity, it is worth noting that from an ECDC resourcing perspective, it can be tricky to manage because the timing and help needed by each parish/town council is beyond the control of ECDC. This is being managed successfully at present, helped by bringing in additional support

from Peterborough City Council as and when needed (and it is worth noting that any plan reaching referendum stage enables ECDC to claim a £20k grant from government to recover the time and costs we spend on assisting each parish/town council).

Housing Delivery and Supply

- 3.20 Returning to the matter of housing delivery and supply, it can be confirmed that in 2020/21, 405 homes (net) were built. This is a pleasing return, considering that 2020/21 was hugely constrained by the pandemic, and is the second highest for the ten-year period commencing 2011/12, beaten only by the year before (2019/20 = 514 completions).
- 3.21 Whilst the national formula is extremely complicated, we are therefore reasonably confident we will pass the shortly to be announced (due Nov 2021) annual Housing Delivery Test results.
- 3.22 In terms of housing supply, over the past year we have successfully defended a number of appeals that claimed we could not demonstrate a five year land supply. By the time of this Full Council meeting, we are likely to have published our annual update our five year land supply figures, rolling forward the base date to 1 April 2021 (i.e. to cover the five year period 2021-2026). Helped by continued permissions being granted, and sites progressing to delivery, we are confident of once again reconfirming that the Council can demonstrate a five year land supply of around 7 years' worth (i.e. 2 years' worth of excess supply).
- 3.23 However, as always, that claim is always at risk of challenge, and this is indeed the case for at least one appeal, namely the site of Broad Piece, Soham, whereby the appellant (Persimmon Homes) is presently claiming we cannot demonstrate a five year land supply. A public inquiry for that appeal is scheduled for January 2022, and the appeal decision is likely before the end of March 2022. We will of course be robustly defending our position that we do have a five year land supply. The outcome of that appeal is likely to be highly significant for the purpose of determining future planning applications across the district.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 There are no financial implications arising from this report, and any actions arising can be covered by existing budgets, at least for the next 12 months. Thereafter, there may be some additional cost relating to the final stages of examining and adopting the updated Local Plan, perhaps a one-off cost of up to £50,000. However, that cost will be a matter for Council to determine as and when the Local Plan progresses to its third and final stage of consultation.
- 4.2 A Carbon Impact Assessment (CIA) concluded the following:

Directly, the recommendations in the agenda report will have a neutral effect. This is because the recommendations do not directly make decisions which subsequently have a carbon impact. Future decisions which flow from the recommendations (i.e. by this Council on the contents of an updated Local Plan)

could have a negative or positive effect, but that will be a matter to assess and determine at the point of making those decisions.

4.3 An Equality Impact Assessment (INRA) is not required, for the same reasons as above.

5.0 APPENDICES

Appendix 1 – Local Plan SIR Round 2 consultation

Appendix 2 – Consultation Report on Round 1 consultation

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
East Cambridgeshire Local Plan, April 2015	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk



East Cambridgeshire
District Council

**East Cambridgeshire
Local Plan - Single
Issue Review (of its
2015 Local Plan)**

Stage 2: Second
consultation

Dec 2021-Feb 2022

DRAFT FOR FULL COUNCIL MEETING 21 OCTOBER 2021

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Introduction

East Cambridgeshire District Council is undertaking a narrowly focused Single Issue Review (SIR) of its adopted Local Plan. This document outlines the scope of the review, the proposals and how you can be involved in helping us with this SIR.

The purpose of the SIR is to partially replace a very small part of the Local Plan adopted in April 2015. The intention is for the vast majority of the Local Plan (2015) to remain unaltered and remain part of the development plan for East Cambridgeshire.

We consulted earlier in 2021 on our initial proposal. After giving due consideration to the comments made, we have produced this second round consultation document. If you wish to express any views, we would be happy to hear from you.

How to make comments

This is a second opportunity for you to make your comments on the emerging SIR. Please note that we welcome comments, though please be aware that the scope of the proposals outlined is quite narrow and most aspects of the proposals are quite technical in nature.

The consultation document can be viewed at: <http://www.eastcambs.gov.uk/local-development-framework/local-plan-review> .

To respond, you can e-mail us at planningpolicy@eastcambs.gov.uk or post to:

Strategic Planning Team
East Cambridgeshire District Council
The Grange
Ely
Cambridgeshire
CB7 4EE

This is a second consultation, undertaken under Regulation 18 of *The Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended), and will be for xxxx weeks. The start date for making comments is xxxx, and the closing date for all comments is at 23:59 on xxxxx. Any comments received after this date will not be considered. One further round of consultation is anticipated before the Plan proceeds to independent examination by an Inspector.

Please note, your representations must fall within the scope of this consultation. Any representations which fall outside of the scope of the consultation will not be considered. For example, any representations seeking changes to policy wording of a Local Plan 2015 policy not being consulted upon will not likely be considered.

Please note that representations received cannot be treated as confidential. If you are responding as an individual, rather than as an organisation, we will not publish your contact details (email/postal address and telephone number) or signatures online, however the original representations will be available for public viewing at our offices by prior appointment. Please do not include any telephone numbers or signatures as we do not require this information.

The Council respects your privacy and is committed to protecting your personal data. Further details on the Privacy Notices is available on our website <https://www.eastcambs.gov.uk/notices/privacy-notice>

Further information can be obtained from:

Strategic Planning Team (see address above)

Telephone: 01353 665555

Email: planningpolicy@eastcambs.gov.uk

Policies Map

Any reference to the term Policies Map in this document relates to the adopted Policies Map which was primarily established as part of the adoption of the 2015 Local Plan, but has been amended since by any subsequently made Neighbourhood Plans, and the county-based 2021 Minerals and Waste Local Plan. At this stage no changes are proposed or anticipated to the Policies Map as a result of this SIR.

1. What stage are we at?

- 1.1 This is the second stage (second consultation) in a process of producing a Single Issue Review (SIR) of the Local Plan. This first stage (also sometimes known as a 'Regulation 18' consultation stage) of the Local Plan captured the issues we intended to address and set a steer as to how we propose to tackle those issues. This second stage, which is also a 'Regulation 18' consultation, reflects on the comments made at the first stage, and provides an update as to what the Council intends to progress.
- 1.2 As outlined in the timetable below, the SIR Local Plan process has a number of formal statutory stages which will take place over a few years.

No.	Stage	Description	Dates each stage is proposed to take place
1	Consult on a sustainability appraisal (SA) scoping report	The SA scoping report sets out the sustainability objectives proposed to be used to appraise the economic, social and environmental effects of the emerging Local Plan policies. The SA scoping report is subject to consultation.	December 2020 Completed
2	Public participation (Regulation 18)	Opportunity for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage may involve one or more public consultation rounds, each for a minimum 6 weeks. We intend two rounds for this Single Issue Review Local Plan.	March-May 2021 Completed
			December-February 2022 This stage
3	Proposed-Submission Publication (Regulation 19)	The Council publishes the draft Local Plan (parts to be amended) which is followed with a 6-week period when formal representations can be made on the Local Plan (or, in this case, representations can be made in relation to the elements being proposed for change in the Single Issue Review).	July – August 2022
4	Submission (Regulation 22)	The Council submits the Local Plan (parts to be amended) to the Secretary of State together with the representations received at Regulation 19 stage.	November 2022
5	Independent Examination (including likely Hearing sessions) and Inspector's Report	Held by a Planning Inspector into objections raised on the Local Plan. The Inspector's Report will determine whether the Plan is 'sound' or 'not sound'. The Inspector may make recommendations (including recommended modifications) to make the plan 'sound'	From date of Submission to August 2023 (*estimate: dates set by Inspector)
6	Adoption of DPD (Local Plan)	Final stage, the Council will formally need to adopt the Local Plan and it will then be used in making planning decisions.	October 2023 (*estimate: date depends on completion of stage 5)

2 Why is this Single Issue Review (SIR) needed?

- 2.1 The Council's current Local Plan remains its 2015 version, adopted in April 2015¹.
- 2.2 Being greater than five years old, it was necessary (by law) to regularly review its content to determine how 'up to date' it is. The Council undertook, and published, a second formal Review in April 2020². That Review, in summary, concluded that the:

"...Local Plan 2015 does require to be revised, but only partially and only in respect of its strategic housing policies. Of those policies, Policy GROWTH1 needs to be revised, because it has an out of date housing requirement. Other strategic housing policies may also be updated during the course of updating GROWTH1, should that be necessary.

The rest of the Local Plan is considered to not, at the present time, be in need of updating, therefore a full update of the Local Plan is not considered necessary.

However, whilst only one policy has been identified in need of updating, this does not prevent the Council from commencing preparation of a new Local Plan, in whole or part, on matters as it sees fit."

- 2.3 The Council has considered three subsequent options to address the above conclusions. The options were as follows:

Option 1: Do as the Review in April 2020 concluded, and limit any update of the Local Plan to the matters identified in the Review, namely GROWTH1 and its housing requirement, and possibly, consequentially, other policies if strictly necessary; or

Option 2: Go beyond what the Review in April 2020 concluded, and do a more comprehensive or full new Local Plan; or

Option 3: Do nothing at present, and await further progression of Government's Planning White Paper to see whether to progress Option 1, Option 2 or, instead, simply wait for the new planning system to commence (under the provisions of what the Planning White Paper proposes) and start a new Local Plan on that basis.

- 2.4 Option 1 was selected by the Council as the way forward. For the avoidance of doubt, we are not seeking any representations as to whether the Council was correct to proceed on the basis of Option 1.

3 The Proposed Changes

- 3.1 The Council proposed at the first consultation round to undertake the following six 'Proposals' as part of the SIR. Your views on these (which are available in a separate Consultation Report) have been carefully considered. Other than some minor adjustments, the Council has decided to maintain the 6 Proposals.

Proposal 1 – Scope of Changes

- 3.2 The Council intends, in line with its April 2020 formal review of its Local Plan referred to above, to focus the changes arising from the SIR to section 3.2 (Level of Growth) and 3.5 (Delivery of Growth) of the 2015 Local Plan, and specifically:

- Paragraphs 3.2.3 – 3.2.5, under the sub-heading 'Level of housing growth';
- Policy Growth 1, but limited to the first bullet point of Growth 1 only (which relates to the housing requirement for the district); and
- Paragraphs 3.5.5 – 3.5.7, under the sub-heading 'Housing delivery', this being necessary as a consequence of updating the above.

¹ See <https://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan-2015>

² See <https://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan-2015>

Proposal 2 – Plan Period

- 3.3 The Council does not intend to amend the overall 2015 Local Plan Period of 2011-31. To do so would likely have wider implications beyond the intention of the SIR.
- 3.4 We have considered the comments made by some representors at the first consultation stage, which sought an extension of the plan period beyond 2031. However, in response, extending the plan period beyond 2031 will have considerable implications and will result, in effect, with the need for a full Plan update (for example, it will require additional substantial work such as a call for new site, and assessing and selecting such sites for allocation in the Local Plan. It will also have a knock on effect on other issues such as the need for more employment land, retail floorspace and other facilities to cater for increased population, and arguably other policy updates on matters such as climate change and the natural environment). This option has already been rejected by the Council. A comprehensive update of the Local Plan will be undertaken once clarity is available in respect of a forthcoming Planning Act. Commencing a comprehensive review ahead of such changes could lead to considerable resource expenditure and the potential of such a Plan not being completed.

Proposal 3 – Site Allocations

- 3.5 The Council does not propose to provide any further allocations in its Local Plan as a consequence of this SIR. This is because the volume of existing housing site ‘commitments’ (such as sites with planning permissions and other sites which are allocated for development via the 2015 Local Plan or more recent Neighbourhood Plans) will, it is anticipated with a high degree of confidence, comfortably exceed the quantum of the new housing requirement figure arising from the SIR. Consequently, no new allocations would be necessary. Further details on this are set out below.
- 3.6 A number of respondents suggested we should review our site allocations and consider new sites to be allocated in the Local Plan. As discussed in paragraph 3.4, this would require a considerable work and would delay the review process significantly. That option is therefore rejected.

Proposal 4 – the Housing Requirement

- 3.7 The Council proposes to establish the new housing requirement in line with national policy (see section 4 in this document for an explanation of this). The Council does not presently intend, nor does it consider it likely as the SIR progresses, to deviate from a nationally derived housing need standard method, nor deviate from that need figure which arises to establish a different housing requirement. The Council is aware of the potential circumstances set out in national policy and guidance to create a housing requirement figure which is different from a housing need figure, but sees no evidence for doing so in this SIR. For example, it does not intend to seek to take any additional housing requirement from any other neighbouring district area, nor does it seek to ‘offload’ any housing requirement arising in East Cambridgeshire on to another neighbouring district area. Further, there are no fundamental economic or infrastructure investment planned for the district which could indicate a need to increase the housing requirement figure (particularly considering that the annual housing growth rate for East Cambridgeshire (as a % of existing housing stock), derived via the standard method, is already one of the highest in the country).
- 3.8 Some of the comments received at the first consultation stage suggested that the national standard method for calculating housing need should be treated as a minimum, with the housing requirement set higher. Other factors, it was stated, should be considered such as economic growth and the impact of the Oxford-Cambridge Arc. Also, under the Duty-to-Cooperate with a neighbouring district, there may be a requirement for some of their housing need to be located in East Cambridgeshire. Taking these factors into account could considerably increase the housing needs for the district, representors suggested. We have carefully considered these comments, but the effect of the Oxford -Cambridge Arc is uncertain at present and may not be known for some time (and it would be unwise to delay the Local Plan as a result). Also, we have not been approached by any of the neighbouring councils, who are preparing their Local Plans, seeking East Cambridgeshire to accommodate any of their housing growth (indeed, to the contrary: engagement to date has confirmed no such mechanism is intended to be triggered). We are therefore confident that East Cambridgeshire will not be asked to take on additional housing to help meet neighbouring districts need.

Proposal 5 – Broad Locations

- 3.9 At the first consultation stage, the Council said it would review the guidance in section 3.5.5-3.5.7 of the Local Plan in respect of the ‘*Broad Areas for housing*’ the Local Plan refers to in supporting text (such Areas only being at Littleport and Soham). We acknowledge there was a mixed response to this Proposal at the first consultation stage, with the majority appearing to support leaving the Broad Areas position unaltered. Following careful consideration of the representations, and following a review of the text in the Plan, the Council has determined that there is no need to significantly amend the text at this stage, and therefore the ‘Broad Areas’ will remain in the Local Plan as currently stated: in simple terms, locations that indicatively “could be developed in the future” but currently with no policy status or Policies Map allocation. However, the Council has removed any assumed supply from such sites for the period to 2031, primarily because the Council can already demonstrate a considerable excess of supply above the identified housing requirement, meaning a reliance on any supply from the Broad Areas in the period to 2031 is not necessary. Overall, the Council does not intend to ‘firm up’ such Broad Areas as formal allocations in this SIR.

Proposal 6 – consequential changes

- 3.10 The Council at the first consultation stage stated that it intended to add any necessary, minor consequential changes to the plan such as brief text in section 1 of the Plan explaining the changes arising from this SIR, and the process of that SIR. No substantive comments were received on this Proposal, and the Council intends to progress it forward as originally stated.

4 What will the new housing requirement figure (Proposal 4) likely be?

- 4.1 Unlike in 2015 (when the current Local Plan was adopted), Government policy now prescribes how a local area determines its housing need (or ‘local housing need’), under what is known as ‘the standard method’³. Whilst it is possible for a local area to derive a different housing need figure using a different locally based method, national policy prescribes that such a local based method is only appropriate where “exceptional circumstances justify an alternative approach” (NPPF para 61). The Council does not consider there to be any such ‘exceptional circumstances’ which would apply in East Cambridgeshire.
- 4.2 The standard method involves a number of variables which are added into a formula to calculate the local housing need, which in turn can be converted into the starting point for a local housing requirement. The data for each variable is established by government (or associated body, such as ONS), so there is no discretion for a local area to determine what each variable is. However, each part of the formula requires the latest available evidence to be used, which can mean the actual local housing need figure can change a number of times over any year, though usually such changes result in relatively minor adjustments to the final outcome. The variables are:
- ONS forecast of household growth (which can change every 2 years, though the Government presently require the 2014 based forecasts to be used, despite more recent ones being available).
 - The latest ‘affordability ratio’ in the local area, which is an assessment of how affordable homes are to buy, in comparison with local income in the area. This ratio is normally updated every March.
 - What the ‘current’ or ‘starting’ year is. Thus, the variables may change slightly depending on the year being used as the baseline.
- 4.3 As at October 2021 (which now includes the March 2021 release of housing affordability ratio, which was not available at the time of the first round of consultation on this SIR), the Council understands that the latest (i.e. from 1 April 2021) local housing need for East Cambridgeshire is 615.7 dwellings per annum, which means a total of 6,157 dwellings are needed between

³ See <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

2021-31. The local housing need calculation is as follows (note: these steps and formula are set by Government):

Step 1: Household projections

For East Cambridgeshire, the 2014-based household projections forecast a household increase between 2021 (base year – 2021 – 39,066 households) and 2031 (year 10 – 2031 – 43,327) is 4,261 households **which equates to a 10 year average of 426.1 households.**

Step 2: affordability adjustment

The latest ratio of median house price to the median gross annual workplace- based earnings (table c – published 25 March 2021) is for the year 2020 and is established as being 11.12 for East Cambridgeshire (Note: there is some uncertainty over the accuracy of this figure as it is based on annualized weekly earnings, rather than the usual annual earnings basis. It is not known why ONS had, for East Cambridgeshire, to use this method for their March 2021 release (and hadn't previously). There is therefore a risk the figure could amend significantly in the future (eg March 2022 release). For now, the figure of 11.12 will be used.

Affordability adjustment factor = $((11.12 - 4)/4) \times 0.25 + 1 = 1.445$

Step 3: calculate the local housing need

$426.1 \times 1.445 = 615.7145$

At the time of publication of this Report, therefore, **the appropriate Local Housing Need figure for East Cambridgeshire is 615.7145 dwellings per annum, and this is valid until 31 DECEMBER 2021. The number will adjust again from 1 January 2022, and again (with new affordability ratios due) in March 2022.**

- 4.4 To calculate the total housing requirement for the 'plan period' (2011-31), it is necessary to work out the housing requirement for 2011-21 and add that to 2021-2031.
- 4.5 The housing requirement for 2011-21 will be established as being the housing delivered between 2011-2021. This is consistent with the national method (see NPPG Reference ID: 68-031-20190722⁴), which explains that "*Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure*".
- 4.6 The quantum of housing delivered (net) between April 2011-March 2021 was 3,018.
- 4.7 This 3,018 figure is then added to the housing requirement for 2021-2031.
- 4.8 The 2021-31 housing requirement figure is proposed as matching the local housing need figure (there being no evidence to suggest it should be adjusted) which results in a housing requirement of 6,157 homes.
- 4.9 Thus, in turn, this means the total housing requirement for 2011-2031 is 9,175 (i.e. 3,018 + 6,157). It is proposed, therefore, that policy GROWTH1, as to be updated, will have a housing requirement figure of 9,175, though this figure will likely be adjusted slightly again, prior to the Plan being submitted for examination, to reflect new data in 2022.
- 4.10 GROWTH1 will split this total housing requirement into two elements, first for the period 2011-21, and second for the period 2021-31. By doing so, this will be consistent with calculations associated with 'five year land supply' (see our website for details of our five year land supply reports⁵).

5 Present Housing Supply

- 5.1 At least once a year, the Council publishes a Five Year Housing Land Supply report⁶. The latest version of that report is dated October 2021.

⁴ See <https://www.gov.uk/guidance/housing-supply-and-delivery>

⁵ See <https://www.eastcambs.gov.uk/local-development-framework/monitoring-and-local-development-scheme>

⁶ See <https://www.eastcambs.gov.uk/local-development-framework/monitoring-and-local-development-scheme>

- 5.2 The October 2021 report identifies a total supply of over 10,000 homes, almost half of which is deliverable in the first five years (2021-2026), and a total supply of over 8,000 in the period to 2031.
- 5.3 It is therefore evident to the Council that the new housing requirement (presently calculated as being 6,157 dwellings, 2021-2031) will be far exceeded by the identified supply (over 8,000 dwellings); plus there is a further 2,000 supply beyond the plan period already identified (excluding the Broad Areas).
- 5.4 It is for this reason that the Council continues to not propose to identify any further allocations as a consequence of this SIR, on the simple basis that supply already meets the requirement; indeed, supply is well in excess of the requirement.
- 5.5 Any new allocations will, therefore, be a matter for a future full update of the Local Plan (or, potentially, via any Neighbourhood Plans prepared in the district).

6 Consultation Arrangements

- 6.1 As a reminder, we are not seeking views on any other aspect of the 2015 Local Plan, and we are not seeking any suggested new allocation sites. Please do not send to the Council any suggested sites for allocation in the Local Plan, as they will not be considered. If at any stage, either for this SIR or a future Local Plan, the Council seeks suggestions for new allocations, it will undertake a specific 'call for sites' process to do so. No such call for sites process is presently forecast.
- 6.2 In Section 8 are the precise changes to the Local Plan we are proposing, each with a reference number ("Proposed Change Ref 1" etc). When responding to this consultation, please reference the proposed change you are commenting upon.

7 Next steps

- 7.1 Once representations have been carefully considered from this second consultation, the Council will proceed to a final 'Proposed Submission' (Regulation 19) round of consultation. We anticipate that consultation to take place in 2022.

8 Specific Proposed Changes to the Local Plan

8.1 The following boxes identify the precise changes being proposed to the Local Plan, using a series of crossed out text and bold italics new text.

Proposed Change ref:	Local Plan Text (as proposed to be amended)
1	<p>Front Cover amended by addition of the following under “April 2015”: <i>(as amended [add date of adoption])</i></p>
2	<p>Text Box at top of Page 1 amended as follows:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>This East Cambridgeshire Local Plan Development Plan Document was adopted at a full meeting of East Cambridgeshire District Council on 21 April 2015, <i>with the exception of Policy GROWTH 1 and its supporting text, which has been updated and adopted at a full meeting of the Council on xx xxxx 20xx.</i></p> </div>
	<p>Add new text after para 1.2.7 as follows:</p> <p><i>1.2.8 Following consultation and independent examination over the period 2021-2023, a very limited updating of the Local Plan took place, which had the primary effect of updating the housing requirement figure in Policy GROWTH 1.</i></p> <p><i>1.2.9 Those limited updates were formally adopted by the Council on [add date of adoption], and incorporated into the Local Plan accordingly. For the avoidance of doubt, other than Policy GROWTH 1, no other Policy was updated and no new site allocations made.</i></p>
	<p>Amend the supporting text 3.2.3-3.2.5 as follows:</p> <p>Level of housing growth</p> <p>3.2.3 Following the abolition of Regional Spatial Strategies, the District Council is <i>was</i> responsible for identifying a housing ‘target’ in the 2015 Local Plan. The right level of housing can help to support economic growth, meet local housing needs, and facilitate the delivery of infrastructure. Having a housing target also allows a local authority to work with service providers and other organisations to ensure suitable infrastructure is provided to meet the needs of new development.</p> <p>3.2.4 The housing requirement for East Cambridgeshire <i>for the 2015 Local Plan needed</i> needs to be justified and based on an objective assessment of need (paragraph 47 in 2012 National Planning Policy Framework). This involves looking at housing needs and demands (including demographic evidence, affordability levels, jobs growth) – but also taking account of supply, delivery and strategic matters which may have an impact (including land availability, infrastructure capacity and market deliverability). It also involves co-ordination with the strategy of neighbouring authorities, and working together to ensure the needs of the housing market area are met. The District’s Council’s housing requirement has been informed by the following key evidence documents:</p>

- ~~‘Technical Report on Population, Housing and Employment’ (May 2013) – commissioned jointly by Cambridgeshire authorities and Peterborough and undertaken by Cambridgeshire County Council.~~
- ~~A new ‘All Homes’ chapter in the Strategic Housing Market Assessment (SHMA) (May 2013) – looking at objectively assessed need across the Cambridge Housing Market Area. The work was jointly commissioned by the Housing Board and the Strategic Planning Unit for Cambridgeshire and Peterborough.~~

~~3.2.5 The SHMA identifies a need for 13,000 dwellings in East Cambridgeshire between 2011 and 2031. However, under the ‘duty to cooperate’ the District Council has reached agreement with other Cambridgeshire authorities and Peterborough Council to deliver a total of 11,500 dwellings between 2011 and 2031. This agreement, involving a redistribution of housing between some of the authorities, is set out in the ‘Memorandum of Cooperation between Cambridgeshire and Peterborough authorities’ (May 2013). The Memorandum concludes that the target for East Cambridgeshire should be lower than 13,000 dwellings as the Council has ‘made considerable progress to date with [its] local plan reviews, and therefore have established a good understanding of their areas’ development opportunities and constraints. They have also taken account of the July 2012 joint statement by Peterborough and Cambridgeshire authorities which confirmed that the strategy is to secure sustainable development by locating new homes in and close to Cambridge and Peterborough, and to other main centres of employment, whilst avoiding dispersed development.’ The agreed target of 11,500 dwellings for East Cambridgeshire represents an annual rate of 575 dwellings per year. This rate is more than the previous Regional Strategy target for the district (430 per year) and is suitably challenging given the recent economic downturn and altered market conditions. Details regarding delivery are set out in Policy GROWTH 4 below. In summary, the evidence indicates that this level of housing growth:~~

- ~~Will be sufficient to meet East Cambridgeshire’s own housing needs, and is a coherent strategy in the context of neighbouring local authorities emerging Plans.~~
- ~~Is a sustainable level of housing which should help to support the Council’s strategic aim to provide a better balance between housing and employment and reduce levels of out-commuting.~~
- ~~Will support the predicted growth in the local economy up to 2031.~~
- ~~Can be accommodated on sufficient, suitable available sites within the district.~~
- ~~Is deliverable, in terms of market supply and capacity. Will help to deliver the Council’s strategic aims of regenerating and expanding the district’s market towns, and supporting the maintenance and sustainability of villages (in the context of a declining and ageing population).~~
- ~~Is consistent with the strategy for the Cambridge Sub-region (as set out in the Joint Planning Statement).~~
- ~~Will be supported by appropriate levels of new infrastructure and services; and,~~
- ~~Will help to facilitate the delivery of appropriate levels of affordable housing to meet local needs over the Plan period.~~

~~3.2.5 **However, through periodic updates of the NPPF (latest version at time of writing is July 2021), Government has removed the requirement for a local planning authority to establish an ‘objectively assessed need’ for housing, and instead put in place a national**~~

standard method to determine a 'local housing need'. Applying that standard method for East Cambridgeshire, for the period 2021-2031, it is determined that the local housing need for East Cambridgeshire is 6,157 dwellings. Following consultation and testing of this figure, it has been determined that 6,157 also becomes the housing requirement for East Cambridgeshire, for the period 2021-31 (i.e. no adjustment was necessary in translating the identified housing need into the housing requirement figure). In order to complete the housing requirement for the full plan period 2011-2031, the housing requirement for 2011-2021 is, in accordance with national guidance, determined as being the housing delivered in that period. 3,018 (net) homes were delivered in East Cambridgeshire between 2011-21, therefore that becomes the housing requirement for that same period. Overall, therefore, the total housing requirement for the plan period, as updated by the single issue review of the Local Plan which concluded in [2022 or 2023 – TBC], is 9,175 new dwellings for the plan period 2011-31.

Amend Policy GROWTH 1 as follows:

Policy GROWTH 1: Levels of housing, employment and retail growth

In the period 2011 to 2031, the District Council will:

- Make provision for the delivery of ~~11,500~~ **9,175** dwellings in East Cambridgeshire, **comprised of a dwelling requirement of:**
 - **3,018 dwellings, for the ten year period 2011-2021**
 - **6,157 dwellings for the ten year period 2021-2031**
- Maximise opportunities for jobs growth in the district, with the aim of achieving a minimum of 9,200 additional jobs in East Cambridgeshire. Part of this strategy will involve making provision for a deliverable supply of at least 179 ha of employment land for B1/B2/B8 uses, and providing for home working.

In the period 2012 to 2031, the District Council will:

- Make provision for at least an additional 3,000m² (net) of convenience and 10,000m² (net) of comparison retail floorspace in the district.

Para 3.5.6 will be consequentially updated as follows:

3.5.6 Table 3.2 summarises how and where housing is likely to be delivered in East Cambridgeshire over the Plan period. It identifies there will be sufficient overall supply of land to meet the district's housing requirement of ~~11,500~~ **9,175** dwellings, as set out in Policy GROWTH 1. The latest projections (as at ~~September 2014~~ **October 2021**) indicate that ~~an estimated 12,000~~ **over 11,000** additional dwellings could come forward between 2011 and 2031, **with a further identifiable supply of over 2,000 dwellings beyond the plan period**. ~~It is estimated that approximately 6,500 of these dwellings will be on new allocations, mainly on the edge of existing towns and villages. The table also includes~~ **excludes** reference to **(or any assumed supply from)** 'broad locations', which are identified in the key diagrams below. The diagrams are indicative only and identify broad areas on the edge of Soham and Littleport which were identified as 'phase 2' sites in the Soham and

Littleport Masterplans, and could be developed in the future. The supply from this source is not anticipated to be required in strategic terms until the later part of the Plan period, **if at all**. Therefore the locations are broadly identified at this stage – and it is intended that the specific site boundaries will be identified through the next Local Plan review. ~~There is sufficient identified capacity on the edge of Soham and Littleport to enable this source of supply to be realised. The table also shows that the distribution of development accords with the locational strategy in Policy GROWTH 2, with significant new land allocations proposed on the edge of Ely, Soham and Littleport, and smaller amounts on the edge of villages where this is supported by the local community.~~ A full list of allocation sites is set out in Policy GROWTH 4 (with site-specific policies contained in Part 2 of this Local Plan).

Para 3.5.7, and table 3.2, will be consequentially updated as follows:

3.5.7 Further details of the various sources of housing **delivered, housing** supply, the breakdown by settlement, and predicted levels of supply year on year throughout the Plan period (the ‘housing trajectory’) is set out in the **annual Authorities Annual Monitoring Report and the regularly updated (at least once a year) Five Year Housing Land Supply Report, both of which are available on the Council’s website.** ~~[until the Local Plan is adopted, the latest housing trajectory for the Local Plan will be contained in a separate Background Paper on ‘Housing Supply’ – see the Council’s website]. The housing trajectory in the Council’s ‘Housing Supply Paper’ September 2014 demonstrates that a five-year supply of specific deliverable sites incorporating an additional buffer of 5% can be identified in the district as required by Government. Further information on the tenure and type of dwellings is set out in Chapter 4 of this Local Plan.~~

~~Table 3.2 – Summary of estimated housing supply 2011-31~~

Location	Completions 2011/12 – 2012/13	Outstanding commitments as at 1.4.13	Large potential sites	Small windfall sites	Specific rural sites	Allocations	TOTAL
Market towns	458	950	315	241	0	5849	7782
Ely	95	145	56	68	0	3679	4043
Soham	260	256	40	114	0	1620	2290
Littleport	103	549	188	59	0	550	1449
Villages	200	321	276	421	70	659	1947
Rural windfall estimate	-	-	-	471	-	-	471

Broad locations	-	-	-	-	-	-	1,800
TOTAL	658	1271	560	1133	70	6508	12,000

Table 3.2 – Summary of estimated housing supply 2011-31

Site Status at 01 April 2021		Total Delivered 2011-2021	Total Supply 2021-2026	Total Supply 2026-2031	Total Supply 2021-31	Total Supply Post 2031
Planning permission			3,930	1,760	5,690	698
Dwellings allocated in development plan, without consent at April 2021			346	641	987	115
Dwellings on unallocated sites and without consent at April 2021			1	0	1	0
Other supply	Dwellings with insufficient evidence that they will be delivered within five year period	3,018	0	1,004	1,004	1,195
	Windfall allowance		150	250	400	N/A
	Older people's accommodation (C2)		97	0	97	0
Totals		3,018	4,524	3,655	8,179	2,008
Grand Totals			11,197 (Housing Supply 2011-2031)			2,008 (Housing Supply Post 2031)



East Cambridgeshire
District Council

**East Cambridgeshire
Local Plan - Single
Issue Review (of its
2015 Local Plan)**

Stage 1 consultation
Report

October 2021

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Introduction

East Cambridgeshire District Council has commencing a Single Issue Review (SIR) of its adopted Local Plan.

The first consultation was undertaken under Regulation 18 of *The Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended), for just over 6 weeks. The consultation started on Friday 26th March, and ended at 23:59 on Friday 7th May 2021. Two further rounds of consultation are anticipated before the Plan proceeds to independent examination by an Inspector.

Any representations which fall outside of the scope of the consultation cannot be considered. For example, any representations seeking changes to policy wording of a Local Plan 2015 policy not being consulted upon will not likely be considered.

Response to the Consultation

We received 29 emails in response to our first stage consultations. Most were from the development industry and some were from the neighbouring local authorities. Very limited volume of response from other parties, including individuals in the district, though this is not surprising due to the very narrow scope of the changes proposed, and the technical nature of such changes.

Below is a summary table, identifying the issues raised against the questions posed in the March 2021 Local Plan Single Issue Review document. Please note, these are a summary of responses received. A copy of the full representation is available on request.

1 Consultation Responses Summary

Question 1: Do you agree, in principle, that the six 'proposals' set out [in the consultation document] cover what is required for the proposed SIR, taking account of the decision made by the Council to only undertake a SIR on the housing requirement figure (and any consequential changes arising)?

Summary of issues raised

- By carrying out a Single Issue Review, the Council removes an important opportunity to meet crucial Climate Change objectives and address the true growth needs of the area in a comprehensive way.
- The level of housing required should be almost double what is currently planned for in current local plans, as identified in the Cambridgeshire and Peterborough Independent Economic Review (CPIER) 2018.
- The consultation document, would not be found sound because the plan period is too short and it appears that no adjustments to the local housing need figure derived from the standard method will be assessed.
- The second bullet point of Growth 1, which considers job growth, should also be considered in tandem, in order to ensure that there is sufficient employment in the district, alongside a suitable and deliverable supply of homes.
- As part of the review it is necessary to consider the context of the existing defined development limits in order to establish whether a review of those defined development limits is necessary.
- A legal requirement of the Strategic Environmental Assessment process is to identify and assess reasonable alternative policy options, but it appears that reasonable alternatives for some issues relevant to the SIR have already been rejected before the process has started.
- East Cambridge plays an important role within the Oxford-Cambridge Growth Arc and therefore must seek to build upon this to support economic growth with an aligned housing requirement figure.
- A SIR will not help meet economic or housing needs, it will not provide certainty and confidence to developers or infrastructure providers to make investments and it will not give certainty or confidence to communities regarding future development or the timely provision of supporting infrastructure.
- Very limited information has been provided within the consultation document to explain and justify why a review is not being undertaken in relation to job growth within the District, having regard to both office and retail floor space uses.
- An adjustment should be made to the housing figures (in this case the local housing need derived from the standard method) to enable a greater supply of affordable housing. This is just one example and demonstrates the Council is taking an arbitrary and highly selective approach to the review of the ECLP based on the matters it wants to address, rather than being led by the evidence available.
- **Huntingdonshire District Council** have no objections to the approach set out in East Cambridgeshire District Council's Single Issue Review at this stage in the review process.
- The fact that the volume of site commitments exceeds the housing requirement figure is not enough; these homes are not being delivered to the timetable. The recent short-term approach of putting considerable taxpayer resources into repeatedly defending the five-year housing supply is not addressing the problem. The slow delivery seen in the district over the past decade is not going to be addressed with a largely 'do nothing' approach as is proposed.

- Specifically, in respect of Proposal 4, we suggest that it will be important to liaise closely with Greater Cambridge (South Cambs. and the City) regarding housing need, given the scale of growth anticipated in Greater Cambridge together with Green Belt and heritage constraints in the area.
- I agree that the six proposals set out in the consultation document are appropriate.

ECDC Response

- We note the desire for a more comprehensive review of the Local Plan (such as to address climate change), but these are matters to be addressed in the next full Local Plan review. Please note the Council has recently adopted a supplementary planning document on climate change (and on the natural environment), which will help act as a bridge prior to the full local plan update.
- CPIER did not identify a housing requirement figure for districts to follow, and its economic recommendations were recommendations, with no legal status that they must be followed.
- We are not proposing to amend the end date of the Local Plan, as it will still have around 8 years remaining once the SIR is adopted, and this is only a very narrow update of the current Local Plan. A future full local plan update will extend the end date to 2036 or beyond.
- There is no evidence to indicate that the employment growth target is in need of updating, unlike the housing requirement figure for which there is clear evidence. The Council is confident that a sufficient supply of employment land still exists in the district, and spread over a good geographical area. Similarly, there is no evidence to suggest that a retail assessment update is needed: indeed, the evidence suggests that retaining what retail presence we have in the district would be a major achievement, when considering the fundamental change occurring in the retail sector (away from stores, and towards on-line delivery).
- In terms of employment and retail floorspace, it is also very hard to 'plan' for such floorspace in the context of the fundamental changes to permitted development rights and Use Classes over the last few years, meaning employment, retail and residential floorspace is largely becoming interchangeable without full planning consent.
- The Council is playing an active part in the Ox-Cam Framework preparation. A full East Cambs local plan update will take account of that Framework, once adopted.
- Affordability of homes is a major part of the local housing need method. To apply an additional uplift of homes to deliver more affordable housing, would be double counting the uplift.
- We agree some homes are 'not being delivered to timetable'. However, rather than approving more homes to compensate, we would like to see developers deliver the homes they have consent for in a more timely manner. We work closely with developers to try to make this happen.
- We liaise very closely with neighbouring districts in the preparation of the SIR.

Question 2: Do you agree that the plan period should remain 2011-31?

Summary of issues raised

- The Council's declared a climate emergency, as such it should carry out a comprehensive review of the Local Plan and an updating that extends beyond 2031.
- NPPF is clear at paragraph 22 that strategic policies should plan over a minimum 15 year period from adoption.

- We suggest the appropriate plan period should be up until the year 2041 to meet the requirements of the NPPF and to align ECDC's plan period with the proposed Greater Cambridge Local Plan.
- We consider it necessary for the Council to use a plan period of 2022/23 to 2037/38. This will have implications for other policies, particularly in terms of housing need / supply.
- It is noted that the neighbouring authorities within the housing market area that have started the review process for adopted development plan documents all propose indicative plan periods ending in 2040.
- The sole reason that the Council provides for not amending the plan period is that it would have wider implications, beyond the intention of the SIR. In essence, such an approach is akin to the Council using the likely consequences to constrain the scope of the review itself, rather than undertaking a review based on a well-reasoned and justifiable scope and attending to the consequences as necessary.
- It is suggested that the plan period for the reviewed / revised Local Plan should be 2021 to 2041, which will take account of the effects of prospective infrastructure improvements including the dualling of the A10; it will also align the review with the period of the Local Plan review in the Greater Cambridge area.
- By compromising on the plan period, this would inhibit future growth and as a result the Plan would be at risk of not been found sound and positively prepared.
- A longer-term horizon would enable water and power providers to plan better for the infrastructure needed in the 2030s and beyond.
- A wider review and updating of the local plan is necessary to enable policies to be put in place with regards Climate Change.
- A full review of the Local Plan would ensure that housing and employment growth in the medium to longer term (5 years plus) is directed in the most appropriate locations. By not taking the opportunity to review locations for growth now, there will be a discord between infrastructure planning and housing and employment delivery.
- It is agreed that the plan period should remain 2011-31 if this partial review is found to be appropriate.
- The single issue review should identify the level of housing growth required and whether the current figure should be amended. This does not prevent the Council from commencing preparation of a new Local Plan, in whole or part on matters at a later date if it is deemed necessary. However, the approach presented in the consultation paper will ensure that the current plan is up to date.
- I agree that the plan period should remain as 2011-2031.

ECDC Response

- The mixed response to this question is noted.
- See also responses to Q1
- While the Council understands the concerns expressed in the above comments, the broad underlying message of such concerns are that the plan period should be extended, and consequently a comprehensive update of the Plan would then be needed (new housing allocations, climate change policies etc). The Council rejects that approach, because it does not seek to prepare a full local plan update at this stage, and sees no fundamental evidence suggesting a need to do so. A full local plan update is the appropriate place to extend the end date (and bring forward the start date), and such a plan will be prepared in the context of a new planning system being brought in by Government.

Question 3: Do you agree with the method for how we intend to update the housing requirement figure for 2011-31?

Summary of issues raised

- The Standard Method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area.
- Our indicative housing projections are substantially higher than the Government's standard method and present exceptional circumstances to justify an alternative approach to the standard method.
- The housing requirement, as currently described in the SIR consultation document, does not make any reference to the circumstances where a higher housing need figure might be appropriate as set out in the 'housing and economic needs assessment' section of national guidance (Section Id.2a of the Planning Practice Guidance).
- If a replacement to Policy GROWTH 1 does not consider and assess whether adjustments to the local housing needs figure should be made e.g. for economic growth, strategic infrastructure, unmet housing needs, and affordable housing reasons, it would represent an unsound approach that is inconsistent with national guidance.
- The guidance is clear: "The standard method ... does not produce a housing requirement figure."; whereas the Council refers to "the national standard method for calculating a housing requirement", reinforcing this with clarification in para. 4.1 of its understanding that the term 'housing requirement' is the same as 'local housing need'. Simply, it is not, and the Council is incorrect in this regard.
- The 2020 Affordability Ratios were published on 25th March 2021. These show a Ratio for East Cambridgeshire of 11.13. Applying this Ratio, the 'uncapped' Standard Method Local Housing Need for East Cambridgeshire increases to 616 dpa (rounded up from 615.71 dpa). Over the ten-year period 2021-2031, this would equate to a need for 6,158 dwellings (rounded up).
- It is considered that the level of housing proposed in the consultation document fails to consider the implications and needs of the proposed economic growth strategy for the Oxford-Cambridge Arc.
- The Council should properly comply with the Duty-to-Cooperate and engage with all relevant authorities in determining whether there is any need to meet unmet need from other areas.
- The review should take account of the impact of the dynamic growth in employment and housing demand within the travel-to-work area which comprises much of East Cambridgeshire. A failure to recognise these needs in neighbouring areas and, in the course of the review, to take account of changing employment patterns post-pandemic.
- The level of housing delivery of 10,175 dwellings within the remaining plan period is significantly higher than the 5,922 required by the standard methodology, there is concern that development in East Cambridgeshire is not being "genuinely plan-led", which paragraph 15 of the National Planning Policy Framework states it should be.
- East Cambridgeshire can choose to accommodate demand from other authorities or lengthen delivery of the necessary number of homes over a longer plan-period. If such approaches are not taken, evidence of market absorption, phasing and alternative forms of infrastructure delivery will be necessary.
- The actual housing requirement should be informed by an up-to-date PPG compliant Housing Needs Assessment and other necessary evidence to provide a robust approach that ensures that the SIR can be found sound at examination.
- Business investment, exceeding both local and national targets and providing 26% more jobs in 2019 than at the same time in 2011. This impressive economic growth is being

sustained but is not being supported by an equal rate of housing growth, with only 6% more homes delivered during the same period.

- Calculating the Local Housing Need using the Standard Methodology inclusive of the current affordability ratio raises the local housing need figure to 616 dwellings per annum.
- To ensure the plan is future proofed and enough flexibility, choice and competition has been provided for in the housing market, in order to reflect government guidance, we consider that a 20% buffer in addition to the housing need figure, would provide this.
- The Council will need to be mindful that the Standard Method only identifies the baseline assessment of housing need and does not take into consideration other factors which affect demographic behaviour.
- The standard method used by the Council is incorrect. Through our analysis we believe that applying the standard method to establish the minimum housing need to be accommodated over the remaining 10 years of the Plan is a minimum net gain of 615.7 dwellings per annum.
- We would recommend that the allocations made in the 2015 Local Plan should be reviewed and sites allocated for extra care housing, in line with local need established through an older persons housing need assessment.
- If the level of economic growth in Cambridge is to be sustained it will be important that its neighbours, such as East Cambridgeshire, understand whether the wider impacts of this growth would require a higher level of housing than that arrived at using the standard method.
- Simply reviewing the housing requirement to 2031 using the Standard Method cannot be appropriate as it will not make provision for all historic under delivery – that can only be done by using a 15 year plan period.
- It is particularly important that East Cambridgeshire consider the housing and employment needs in the southern part of the District in context with employment and housing demand arising from Cambridge City.
- It would be appropriate to set a housing requirement in excess of the housing need including to support the necessary economic recovery, the increased demand for homes in rural areas that has arisen from the current pandemic, and the particular growth aspirations of the Government in the subregion.
- The Council cannot, at this stage, dismiss meeting the development needs of other areas and to do so would clearly constitute a failure of the duty to co-operate and its requirement to work actively and constructively to address cross boundary and strategic issues.
- If the level of economic growth in Cambridge is to be sustained it may be necessary for its neighbours, such as East Cambridgeshire, deliver a higher level of housing than that arrived at using the standard method.
- The Council's approach to updating the housing requirement, which seeks to apply an 'apples and pears' approach based on past delivery achieved between 2011 and 2021, and the local housing need standard method for the period 2021-2031 (no object in principle to the use of the standard method approach). The use of past delivery would simply build-in past failure to deliver the required number of homes in East Cambridgeshire since 2011 and therefore contrary to national policy objective of significantly boosting the supply of housing.
- The assumptions need to be tested to make sure that the Council is not limiting flexibility in the event that commitments do not deliver as anticipated or if commitments are no longer appropriate to deliver the housing required in the locations it is required.
- **Huntingdonshire District Council** has no objections to this approach as initial analysis within the Single Issue Review consultation paper anticipates with a high degree of confidence that existing commitments and allocations will comfortably exceed the new housing requirement figure.

- It is clear that exceptional circumstances exist in East Cambridgeshire – a growth area with significant new strategic investment planned. Economic growth should be factored into an additional uplift on the baseline LHN figure derived from the Standard Method.
- I agree with the method proposed for updating the housing requirement figure for 2011-2031.

ECDC Response

- The Council notes the large volume of representations on this question which, for the vast majority, appear to disagree with the method proposed by the Council to update the housing requirement figure and, on the whole, are seeking a higher housing requirement figure to be established than that proposed. The Council has considered these representations carefully, but disagrees with the suggestions. The approach taken by the Council is consistent with NPPF/NPPG, and exceptional circumstances (as set out in NPPF/NPPG) are not evidenced in East Cambridgeshire. There is also no evidence of any request by neighbouring authorities to seek to offload their need within East Cambs (indeed, we have evidence expressly confirming that is not being sought).
- Many of the representations appear to be making objections to the method set out by Government for calculating housing need / requirement. Of course, the Council must, first and foremost, be consistent with such policy unless there is exceptional reasons for not doing so.
- The precise LHN figure arising will be adjusted throughout the preparation of the SIR, as that is beyond the control of the Council.

Question 4: Do you have any suggestions as to how, if at all, we should update the guidance in relation to the identified Broad Areas for housing (these Areas only apply in Soham and Littleport)?

Summary of issues raised

- The scale at which housing pressures will likely grow in East Cambridgeshire and the constraints to growth within the wider Cambridge sub-region will place an increasing reliance on duty-to-co-operate to ensure the needs of the area are met in a long-term, sustainable manner.
- It is not clear what relevance the broad areas for housing at Soham and Littleport have with aim of the SIR and the proposed update to the housing requirement in Policy GROWTH1.
- The Council should update the guidance in relation to the identified Broad Areas for housing, other than to comment that if the status of the Broad Areas is to be 'elevated' then other potential development sites should also be considered.
- In order for sustainable growth to be delivered across the District at a level that is required, development within rural areas should also be considered and supported, as is demonstrated at Paragraph 3.3.3 of the East Cambridgeshire Local Plan 2015.
- The Broad Areas should be reconsidered in their entirety as part of a wider Local Plan Review, potentially altering where further site allocations may next be appropriate.
- We believe that a more comprehensive review of the objectively assessed need, needs to be undertaken, alongside a further assessment of the SHLAA and SHMA, which would then inform the housing requirement and distribution within the Council for the remaining 10 years of the Local Plan.
- It is clear that many of the sites that are allocations have not come forward in the way expected when the Local Plan was adopted. The delivery needed is at least 2 to 3 times

any of the figures achieved over the last 10 years, an unrealistic situation. The Council needs to ensure that there is sufficient flexibility in its plan to boost actual deliverability.

- We disagree with any proposal that seeks to remove references to the Broad Locations from the adopted ECLP. Their inclusion in the plan remains valid and provides an opportunity to ensure that the updated housing requirement can be met without the need for other new sites, as was the original intention and purpose of the BLs.
- This approach provides very little clarity as to how the Council will approach the Broad Areas for housing. It is not sensible or appropriate to divorce and hermetically seal off the housing requirement from provision, nor is it sensible or appropriate to consider changes to one element of the overall strategy for distributing and providing housing without considering the objectives and implications within a process which considers reasonable alternative options.
- **Huntingdonshire District Council** has no objections to the approach set out for Broad Areas. The need for review of the guidance in section 3.5.5-3.5.7 of the Local Plan, or to 'firm up these Broad Areas as formal allocations will only become apparent once a final housing figure has been established.
- (Soham)- the broad locations indicated on the diagram in the 2015 Plan do not include any designated heritage assets. However, the grade II* listed Northfield Windmill lies close to both of the broad locations for growth. Development in these locations could therefore have an impact on the setting of this listed building.
- It is suggest the addition in relation to new rail infrastructure at Soham, enabling reduction in car journeys and further enabling housing expansion for commuters.

ECDC Response

- Varied and mixed response on this issue. However, no strong evidence was provided to amend the approach or status of the Broad Areas for housing. The Council agrees, and therefore intends to keep the Broad Areas unaltered, albeit with slightly updated explanatory text.

Question 5: Do you have any other comments or suggestions on this consultation document or the proposed SIR?

Summary of issues raised

- It is requested that the housing requirement identified in replacement Policy GROWTH 1 should be set at a level that seeks to address affordable housing needs and any needs likely to arise during the plan period.
- Consequences of non-delivery or previously identified infrastructure improvements are assessed in SIR and the associated Strategic Environmental Assessment/Sustainability Appraisal, including for sustainability objectives 5.3 (improve the quantity and quality of publicly accessible open space) and 6.1 (improve the quality, range and accessibility of services and facilities e.g. health, transport, education, training, leisure opportunities).
- It is unclear from the Consultation Document the extent of discussion that has taken place with neighbouring authorities, if at all. Fenland, Greater Cambridge and West Suffolk are all at the early stages of commencing new Local Plans and have so far not identified whether they will look to neighbouring authorities, such as East Cambridgeshire, to assist with delivering their housing requirement. Should this be the case, then the unilateral actions of East Cambridgeshire will be prejudicial.
- Any such allocations should be reviewed as to whether they are truly deliverable or will realistically come forward in years 6-15.

- The housing needs for different groups to be assessed and reflected in planning policies, including for those with an affordable housing need, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. It is suggested that up to date evidence on the housing needs for all these groups should be gathered to inform SIR and a replacement to Policy GROWTH 1.
- it is recommended that the Council engage with its neighbours and prescribed bodies throughout the preparation of the Local Plan and any potential impact of unmet housing needs are considered in full.
- The SIR has misinterpreted paragraph 60 of the NPPF and does not support the Government's objective of significantly boosting the supply of homes.
- Natural England's advice is that guidance relating to protection and enhancement of the natural environment should focus on the relevant Local Plan policy requirements, amended to reflect updates in key legislation and national planning policy and any additional guidance and local objectives and targets.
- Concerned that your housing needs shows a need for 5,992 before 2031 but the plan currently shows 10,175 to be built during that period. Experience of other councils (for example Broxbourne Borough) would suggest that having a supply above the needs tends to spiral with the needs each time. Would therefore suggest that development phasing is specified within the plan such that those extensions at the edges of development areas (for example nearest to Chettisham Business Park for policy ELY1 are not permitted before 2028 at the earliest. Although this could still allow more houses to be built than needed it would reduce the over supply and therefore avoid overheating the demand for housing in 2031-41.
- The SIR fails to recognise that the major problem in the district is not identifying housing need: it is delivering enough homes to meet that need. Significant further work is needed in order to arrive at an appropriate housing need figure.

ECDC Response

- These additional comments have been carefully considered, responses to the majority are covered by responses to other questions.
- No significant issue has been identified in need of addressing in the SIR.

General Comments/ Issues not raised in questions above

Summary of Comments/ Issues raised

- The SIR also does not address the future recovery of town centres following Covid 19. This will require new policies to be put in place to enable town centres to adapt and plan their economic recovery and respond to the restructuring ongoing in retail.
- A legal requirement of the Strategic Environmental Assessment process is to identify and assess reasonable alternative policy options. If reasonable alternatives are not assessed it is very likely that SIR would not be compliant with Paragraph 14 of the SEA Directive (2001/42/EC) and Regulation 12(2)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004.
- The conclusion of the Second Review was essentially that the housing requirement of 575 dpa was sufficiently different to the Standard Method LHN of 597 dpa (some 22 dpa, or 3.8% different) as to warrant a review of Policy GROWTH1. It is considered that, a variance of just 3.8% is insufficient to warrant such a review, and, if a review is to be undertaken, it should have a much broader scope.

- There is concern that the appropriate strategies may not be in place to address the cumulative, cross border impacts of development, which otherwise cannot be dealt with on a case-by-case basis. There is no proposal to update the evidence base to properly identify impacts at a strategic level and the appropriate mitigation.
- There are particular concerns for the A14 and Newmarket. The A14 is currently under pressure, particularly at Junction 37. Newmarket, needs to be very carefully considered with regards to cross boundary impacts, as it is mostly encircled by the East Cambridgeshire administrative area, despite administratively being part of Suffolk.
- The SIR provides the opportunity to update the relevant policies in the Local Plan in so far as they relate to matters covered by the recently adopted SPD's, including responding to the Council's declaration of a Climate Emergency.
- We support the Council's decision to undertake a review of the Local Plan in light of the change from the 2012 version of the NPPF approach to establishing an objectively assessed housing need, to incorporate the standard method for assessing housing need advocated in the 2019 NPPF.
- it is our view that changing the housing requirement may require changes to the strategy for jobs and shopping; in crude terms more homes means more jobs and more retail spend. The converse would be true for less homes, albeit this needs to be understood in the context of the Functional Economic and Housing Market Areas.
- The Council should recognise that the review should encompass the consideration of not only housing requirements but also the ability of existing provision to meet those requirements and deliver the spatial strategy as well as the potential need for new housing and employment allocations to meet housing needs overall or deliver spatial priorities.

ECDC Response

- The Council has carefully considered the above issues raised. In response, due to the scope of the Single-Issues Review, the majority of the suggestion are not appropriate to consider at this stage. However, they are valid remarks for consideration as and when the Council considers preparation of a full Local Plan update.
- In terms of SEA requirements, we will ensure full legal compliance is adhered to, as the plan progresses.

2 Next steps

- 2.1 After carefully considering issues raised from the first consultation, the Council will update the SIR document for a second round consultation.

COMMUNITY INFRASTRUCTURE LEVY INFRASTRUCTURE LIST AND GOVERNANCE

Committee: Council

Date: 21 October 2021

Author: Director Commercial

[W86]

1.0 ISSUE

1.1 To consider changes to the Community Infrastructure Levy Infrastructure List and Governance Arrangements.

2.0 RECOMMENDATION(S)

2.1 Members are requested to:

- i) Approve the draft Infrastructure List as set out in Appendix 3,
- ii) Approve the draft Governance Arrangements as set out in Appendix 5,
- iii) Make a contribution of £40,000 per annum, for 25 years, from CIL income for the A14 Improvements project, and
- iv) Authorise the Deputy Monitoring Officer to make the necessary changes to the Council's Constitution

3.0 BACKGROUND/OPTIONS

3.1 East Cambridgeshire District Council (ECDC) implemented the Community Infrastructure Levy (CIL) Charging Schedule on 1 February 2013. At the time of writing this report (8 October 2021) ECDC has received £22,978,859.45. In accordance with the Regulations the Council has transferred £3,815,174.52 to the relevant Town/Parish Council. A breakdown of these transfers is provided at Appendix 1.

It is also worth noting that we have issued demand notices worth in excess of £4,000,000 that fall due over the course of the next 12 months.

3.2 The table below provides a summary of projects that the District Council has supported. All expenditure has been approved by either Council or the Finance & Assets Committee.

Project	Committed (£)	Spent (£)	Remaining to Pay (£)
Burwell Recreation Ground Improvements	295,000.00	290,882.62	4,117.38
Burwell Gardiner Memorial Hall	180,000.00	0.00	180,000.00
A142/Witchford Road Roundabout	150,000.00	150,000.00	0.00
Sutton GP	56,621.63	0.00	56,621.63
Ely Commuter Car Park	500,000.00	500,000.00	0.00
Littleport Commuter Car Park	400,000.00	400,000.00	0.00
Littleport Secondary	5,020,000.00	1,919,643.67	3,100,356.33
The Mill Project, Soham	280,000.00	280,000.00	0.00
District Leisure Centre	11,500,000.00	5,696,209.18	5,803,790.82
Ely Museum	165,000.00	165,000.00	0.00
Ely Southern Bypass	1,000,000.00	1,000,000.00	0.00
St Marys, Ely GP	750,000.00	0.00	750,000.00
Ely Country Park Expansion	160,000	0.00	160,000
	20,456,621.63	10,401,735.47	10,054,886.16

3.3 On 17 October 2019 (Agenda Item 17) Council approved changes to the Infrastructure List and approved new governance arrangements as to how CIL receipts would be distributed and allocated.

3.4 On 23 February 2021 (Agenda Item 11) Council approved further changes to the Infrastructure List.

3.5 This report seeks to make further changes to both the Infrastructure List and Governance Arrangements.

3.6 Infrastructure List

3.6.1 Current List

The current Infrastructure List is provided at Appendix 2 of this report.

3.6.2 Changes

It is proposed that the following changes are made to the Infrastructure List:

- Ely Southern Bypass- The Council has now fully met its commitment to make a contribution of £1,000,000 to Ely Southern Bypass. Therefore this can be removed.
- A142/Witchford Road Roundabout- The Council has now fully met its commitment to make a contribution of £150,000 to the A142/Witchford Road Roundabout. Therefore this can be removed
- Ely Museum Redevelopment- The Council has now fully met its commitment to make a contribution of £165,000 to the Ely Museum Redevelopment. Therefore this can be removed.
- The Mill Project, Soham- The Council has now fully met its commitment to make a contribution of £280,000 to The Mill Project, Soham. Therefore this can be removed.

It is proposed that the following projects are added to the Infrastructure List:

- A14 Improvements- In 2014 Council took the decision to make a local contribution of £1,000,000 to the A14 Improvement. This contribution is payable over 25 years at £40,000 per annum. Council agreed that the commitment would be met from CIL income and agreed to include the A14 on the Infrastructure List at the appropriate time. The first year is now due and as such it is appropriate to include the A14 on the Infrastructure List.
- Health Improvement/Provision across the District- It is recognised that housing growth across the district has an impact on the current provision of Health care. It is proposed that ECDC includes all Health care, regardless of where it is in the district to be included on the list. This will provide certainty to Health Care providers that ECDC is able to assist with funding where it is demonstrated that the request is being made to mitigate the impact from growth.
- Community Facilities- It is recognised that housing growth across the district has an impact on community facilities; either the need to extend/make improvements to existing facilities or the need to build new facilities. It is proposed that the Council includes Community Facilities on the infrastructure list. Such facilities could include Village Halls, Community Centres and Sports Centres. These examples are not designed to be an exhaustive list and the Council should consider any proposals that can demonstrate a benefit to the community that arise as a result of growth.
- Water Management and Flood Prevention- It is recognised that housing growth has an impact in this area. It is proposed that the Council adds Water Management and Flood Prevention to the Infrastructure List. Officers will work closely with the IDB's and the Environment Agency to identify areas that could benefit from CIL funding where it is demonstrated that the infrastructure is necessary to mitigate the impact from growth.

3.6.3 It is recognised that the costs associated with the inclusion of such a broad range of infrastructure projects could never be fully met by the CIL income that the Council is generating. For that reason it is recommended that the Council is part funder of infrastructure projects. It is recommended that the Council does not fund more than a third of the costs of a project except where the project is led by the District Council. There may be exceptional circumstances where projects, outside of the Council's control, may need to benefit from more than a third of funding from CIL. In these circumstances it will be for the Finance & Assets Committee to determine whether this would be appropriate.

3.6.4 The draft Infrastructure List is provided at Appendix 3

3.7 Governance Arrangements

3.7.1 Current arrangements

The existing governance arrangements are provided at Appendix 4.

3.7.2 Unchanged

The Council will continue to make the transfers to the relevant Town/Parish Council in accordance with the Regulations.

The Council will continue to allocate 2.5 % of CIL income to reflect the cost of administration of CIL. This will continue to be reviewed annually.

3.7.3 Changes

The current arrangements allocate funds to projects on the Infrastructure List as follows:

- 20% of all CIL receipts to the District Leisure Centre up to a maximum of £7,257,408
- 10% of all CIL receipts to Littleport Schools up to a maximum of £3,834,509
- 1% of all CIL receipts to the Children's Centre (serving North Ely development) up to a maximum of £79,083
- 10% of all CIL receipts to Health (serving North Ely development) up to a maximum of £1,813,786
- 5% of all CIL receipts to Ely Country Park Expansion up to a maximum of £622,868
- 15% (25% where a Neighbourhood Plan is made) as the Meaningful Proportion
- 2.5% administration (to be reviewed annually)

The remaining 36.5% (26.5% where a Neighbourhood Plan is made) 'other' receipts will be set aside to benefit other projects on the Infrastructure List and allocation will be determined by the Finance & Assets Committee.

To provide certainty and assurance to both ECDC and stakeholders it is proposed that allocations are made in accordance with the table below. Please note that this includes the commitments already made by the Council.

It is proposed that the allocation of funds to projects on the Infrastructure List is as follows:

Project	Allocation (%)
Littleport Schools	10
District Leisure Centre	10
Health Care Facilities Serving North Ely (including St Marys)	10
Children's Centre Serving North Ely	1
Ely Country Park Expansion	2.5
Burwell Parish Council Recreation Ground Improvement	0.5
Sutton GP	0.5
Burwell Gardiner Memorial Hall	2
Administration	2.5
District Wide Health Care Provision	5
District Wide Community Facilities	5
District Wide Water Management and Flood Management	5
Other (max)- Linked to MP rate	31
Other (min)- Linked to MP rate	21

The Council will continue to distribute the Meaningful Proportion at 15% or 25 % as relevant and the 'Other' allocation will change as a result of this.

The table below provides an illustration of what these changes may look like on a current holding balance of £8,091,297.

Project	Allocation (%)	Maximum (£)	Illustration based on Allocation (£)
Littleport Schools	10	3,100,356.33	809,129.70
District Leisure Centre	10	5,803,790.82	809,129.70
Health Care Facilities Serving North Ely (including St Marys)	10	1,813,786.00	809,129.70
Children's Centre Serving North Ely	1	79,083.00	80,912.97
Ely Country Park Expansion	2.5	622,868.00	202,282.43
Burwell Parish Council Recreation Ground Improvement	0.5	4,117.38	40,456.49
Sutton GP	0.5	56,621.63	40,456.49
Burwell Gardiner Memorial Hall	2	180,000.00	161,825.94
Administration	2.5		202,282.43
District Wide Health Care Provision	5		404,564.85
District Wide Community Facilities	5		404,564.85
District Wide Water Management and Flood Management	5		404,564.85
Other (max)- linked to MP	31		2,508,302.07
Other (min)- Linked to MP	21		1,699,172.37

Where the allocation exceeds the maximum the excess will be added to the 'Other' pot.

The 'Other' pot can benefit, in whole or in part, any project featured on the Infrastructure List that is not referenced in the table above.

It is proposed that the A14 Improvements contribution is taken from the 'Other' pot.

Projects that do not have the benefit of prior approval from either Council or the Finance & Assets Committee will need to be approved by the Finance & Assets Committee. Projects that do not need the approval of the Finance & Assets Committee are: Littleport Schools, District Leisure Centre, St Marys GP, Children's Centre Serving North Ely, Burwell Parish Council Recreation Ground Improvement, Sutton GP, Gardiner Memorial Hall and A14.

3.7.4 The draft Governance Arrangements are provided at Appendix 5.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Both the draft Infrastructure List and the draft Governance Arrangements provided at Appendix 5 reflect the current infrastructure pressures arising from growth across the district. This is not to say that this is the extent of the infrastructure pressures. Officers will continue to work with stakeholders and make necessary recommendations in the future.

4.2 The proposed changes reflect the Council's Corporate Plan 2021-2023.

4.3 Members are recommended to approve both the draft Infrastructure List (Appendix 3) and draft Governance Arrangements (Appendix 5).

4.4 Members are further recommended to approve the specific allocation of £40,000 per annum for 25 years for the A14 Improvements project.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT/CARBON IMPACT ASSESSMENT

5.1 The A14 Improvements contribution of £40,000 per annum can be met from current and future CIL receipts/income.

All CIL allocations made to date can be met from existing CIL receipts.

5.2 Equality Impact Assessment (EIA) not required.

5.3 Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

6.1 Appendix 1- Meaningful Proportion Transfers
Appendix 2- Current Infrastructure List
Appendix 3- Draft Infrastructure List
Appendix 4- Current Governance Arrangements
Appendix 5- Draft Governance Arrangements

Background Documents

Council- 17 October 2019
(Agenda Item 17)

Council- 23 February 2021
(Agenda Item 11)

Corporate Plan 2021-2023

Location

The Grange,
Ely

Contact Officer

Emma Grima
Director Commercial
(01353) 616960

E-mail:

emma.grima@eastcambs.gov.uk

Meaningful Proportion Transfer

Ashley Total		8,680.22
Bottisham Total		28,688.00
Burrough Green Total		14,252.19
Burwell Total		217,790.89
Cheveley Total		78,934.96
Chippenham Total		21,393.69
Coveney Total		17,212.90
Dullingham Total		16,163.88
Ely Total		773,910.90
Fordham Total		637,280.01
Haddenham Total		189,721.98
Isleham Total		211,748.97
Kirtling Total		40,568.21
Little Downham Total		67,241.41
Little Thetford Total		47,453.58
Littleport Total		93,032.11
Lode Total		5,278.30
Mepal Total		45,625.07
Reach Total		3,113.62
Soham Total		266,292.04
Stetchworth Total		19,756.52
Stretham Total		135,920.83
Suttun Total		216,851.80
Swaffham Bulbeck Total		42,114.34
Swaffham Prior Total		39,665.23
Wicken Total		45,377.16
Wilburton Total		31,041.16
Witcham Total		12,354.94
Witchford Total		454,632.99
Woodditton Total		33,076.62

Grand Total to Town/Parish Councils

3,815,174.52

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL
COMMUNITY INFRASTRUCTURE LEVY
INFRASTRUCTURE LIST**

The East Cambridgeshire District Council Infrastructure List is set out below. This list is in no particular order and no priorities have been identified.

Littleport Schools
District Leisure Centre
Soham Railway Station
Ely Southern Bypass
Health Facilities Serving North Ely Development
A142/Witchford Road Roundabout
Children's Centre Serving North Ely Development
Ely Country Park Expansion
Staploe Medical Centre
Ely Commuter Car Park
Wicken-Soham-Ely Cycle Path
Witchford Household Recycling Centre
Burwell Parish Council Recreation Ground Improvement Project
Ely Museum Redevelopment
The Mill Project- Soham
Sutton GP Surgery Extension
Stretham GP Surgery
Soham Village College
Libraries Serving Kennett Development
Traffic Calming Serving Kennett Development
B1056 Crossroads
Village Green Serving Kennett Development
Gardiner Memorial Hall Project

February 2021

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL
COMMUNITY INFRASTRUCTURE LEVY
INFRASTRUCTURE LIST**

The East Cambridgeshire District Council Infrastructure List is set out below.

This list is in no particular order and no priorities have been identified.

Littleport Schools
District Leisure Centre
Soham Railway Station
Health Facilities Serving North Ely Development
Children's Centre Serving North Ely Development
Ely Country Park Expansion
Ely Commuter Car Park
Wicken-Soham-Ely Cycle Path
Witchford Household Recycling Centre
Staploe Medical Centre
Stretham GP Surgery
Sutton GP Surgery Extension
Burwell Parish Council Recreation Ground Improvement Project
Soham Village College
Libraries Serving Kennett Development
Traffic Calming Serving Kennett Development
B1056 Crossroads Village Green Serving Kennett Development
Gardiner Memorial Hall Project
District Wide Health Care Improvement/Provision
District Wide Community Facilities
District Wide Water Management & Flood Prevention
A14 Improvements

COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE ARRANGEMENTS

Governance arrangements where the CIL receipt from a single development does not exceed £1,000,000

Meaningful Proportion

15% (25% where a Neighbourhood Plan is made) of all CIL receipts, under the Regulations, must be transferred to the City/Parish/Town Council (where development has occurred in their area). In a Regulation 62A report, the City/Parish/Town Council must publicise, on an annual basis, the amount of CIL money it has received, spent, brought forward from previous years, intends to carry forward to the following year and where money has been spent. A pro forma report has been supplied to the City/Tow/Parish Council and this information will be published by the individual City/Parish/Town Council.

Administration

Under the Regulations, the Council is permitted to allocate up to 5% of all CIL receipts to assist in the costs of administering CIL. The Council will deduct 2.5% of all CIL receipts to administer CIL. This will be reviewed annually.

Infrastructure

This category is for infrastructure projects that have a value of £50,000 or greater.

Authority is delegated to the Director Commercial, in consultation with the Leader of Council, to distribute CIL receipts in the following manner:

- 20% of all CIL receipts to the District Leisure Centre up to a maximum of £7,257,408
- 10% of all CIL receipts to Littleport Schools up to a maximum of £3,834,509
- 1% of all CIL receipts to the Children's Centre (serving North Ely development) up to a maximum of £79,083
- 10% of all CIL receipts to Health (serving North Ely development) up to a maximum of £1,813,786
- 5% of all CIL receipts to Ely Country Park Expansion up to a maximum of £622,868
- 15% (25% where a Neighbourhood Plan is made) as the Meaningful Proportion
- 2.5% administration (to be reviewed annually)

The remaining 36.5% (26.5% where a Neighbourhood Plan is made) 'other' receipts will be set aside to benefit other projects on the Infrastructure List and allocation will be determined by the Finance & Assets Committee.

Process for requesting CIL contributions to be allocated to a project

A stakeholder can apply, at any time, for a project, that is included on the Infrastructure List, to be funded, in whole or in part, by CIL contributions. The stakeholder should write to the Council requesting allocation of CIL funds to their project.

A project being included on the Infrastructure List does not signify a guarantee of CIL funding. Whether a project successfully receives CIL funding will depend on the Council's priorities at the time of the application for funding being made, and the amount of CIL funding available.

The request should include the following information:

- Details of the scheme
- Timetable for delivery (indicative will suffice)
- Why the scheme should benefit from CIL funding
- Where CIL is only intended to fund part of the project, provide details/evidence of other sources of secured funding

Once the request has been received the project will be assessed against the scoring criteria and a recommendation will be made to the Finance & Assets Committee.

Governance Arrangements where the CIL receipt from a single development exceeds £1,000,000

Meaningful Proportion

15% (25% where a Neighbourhood Plan is made) of all CIL receipts, under the Regulations, must be transferred to the City/Parish/Town Council (where development has occurred in their area). In a Regulation 62A report, the City/Parish/Town Council must publicise, on an annual basis, the amount of CIL money it has received, spent, brought forward from previous years, intends to carry forward to the following year and where money has been spent. A pro forma report has been supplied to the City/Tow/Parish Council and this information will be published by the individual City/Parish/Town Council.

The remaining 85%

The remainder of the CIL contribution shall be ring fenced to fund infrastructure projects that benefit the development. This will be done as part of the planning process. The reason for doing so is to provide the Council, the developer and infrastructure providers with more certainty as to the delivery of key infrastructure needed to support the development.

Consultation will be carried out with the relevant stakeholder throughout the planning process.

A portion, reflective of the nature of the development site, will be sought for administration of CIL. In accordance with the Regulations, the amount sought for administration will be up to 5%. The amount allocated will depend on the monitoring requirements and the needs of infrastructure for the development.

As a result of this process there may be a need to add infrastructure items to the Infrastructure list. An Officer will recommend to the Planning Committee that such projects should be recommended for inclusion on the Infrastructure List. If approved by the Planning Committee, the project will then be recommended for inclusion to Full Council a future meeting.

CIL contributions arising from developments where the CIL value exceeds £1,000,000 shall only be spent in accordance with the allocations made throughout the planning process, unless there is justified cause not to do so. Any deviation from the allocation will need to be approved by the Finance & Assets Committee.

COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE ARRANGEMENTS

Governance arrangements where the CIL receipt from a single development does not exceed £1,000,000

Meaningful Proportion

15% (25% where a Neighbourhood Plan is made) of all CIL receipts, under the Regulations, must be transferred to the City/Parish/Town Council (where development has occurred in their area). In a Regulation 62A report, the City/Parish/Town Council must publicise, on an annual basis, the amount of CIL money it has received, spent, brought forward from previous years, intends to carry forward to the following year and where money has been spent. A pro forma report has been supplied to the City/Tow/Parish Council and this information will be published by the individual City/Parish/Town Council.

Administration

Under the Regulations, the Council is permitted to allocate up to 5% of all CIL receipts to assist in the costs of administering CIL. The Council will deduct 2.5% of all CIL receipts to administer CIL. This will be reviewed annually.

Infrastructure

This category is for infrastructure projects that have a value of £50,000 or greater. Income will be distributed as follows:

Project	Allocation (%)
Littleport Schools	10
District Leisure Centre	10
Health Care Facilities Serving North Ely (including St Marys)	10
Children's Centre Serving North Ely	1
Ely Country Park Expansion	2.5
Burwell Parish Council Recreation Ground Improvement	0.5
Sutton GP	0.5
Burwell Gardiner Memorial Hall	2
Administration	2.5
District Wide Health Care Provision	5
District Wide Community Facilities	5
District Wide Water Management and Flood Management	5
Other (max)- Linked to MP	31
Other (min)- Linked to MP	21

Process for requesting CIL contributions to be allocated to a project

A stakeholder can apply, at any time, for a project, that is included on the Infrastructure List, to be funded, in whole or in part, by CIL contributions. The stakeholder should write to the Council requesting allocation of CIL funds to their project.

A project being included on the Infrastructure List does not signify a guarantee of CIL funding. Whether a project successfully receives CIL funding will depend on the Council's priorities at the time of the application for funding being made, and the amount of CIL funding available.

The request should include the following information:

- Details of the scheme
- Timetable for delivery (indicative will suffice)
- Why the scheme should benefit from CIL funding
- Where CIL is only intended to fund part of the project, provide details/evidence of other sources of secured funding

Once the request has been received the project will be assessed against the scoring criteria and a recommendation will be made to the Finance & Assets Committee.

Governance Arrangements where the CIL receipt from a single development exceeds £1,000,000

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The remaining 85%

The remainder of the CIL contribution shall be ring fenced to fund infrastructure projects that benefit the development. This will be done as part of the planning process. The reason for doing so is to provide the Council, the developer and infrastructure providers with more certainty as to the delivery of key infrastructure needed to support the development.

Consultation will be carried out with the relevant stakeholder throughout the planning process.

A portion, reflective of the nature of the development site, will be sought for administration of CIL. In accordance with the Regulations, the amount sought for administration will be up to 5%. The amount allocated will depend on the monitoring requirements and the needs of infrastructure for the development.

As a result of this process there may be a need to add infrastructure items to the Infrastructure list. An Officer will recommend to the Planning Committee that such projects

should be recommended for inclusion on the Infrastructure List. If approved by the Planning Committee, the project will then be recommended for inclusion to Full Council a future meeting.

CIL contributions arising from developments where the CIL value exceeds £1,000,000 shall only be spent in accordance with the allocations made throughout the planning process, unless there is justified cause not to do so. Any deviation from the allocation will need to be approved by the Finance & Assets Committee.



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Cambridgeshire & Peterborough Combined Authority

Reports from Constituent Council Representatives on the Combined Authority

Audit and Governance Committee
30 July 2021
Councillor David Brown

Overview and Scrutiny Committee
26 July and 23 August 2021
Councillor Lorna Dupré
Councillor Alan Sharp

Combined Authority Board
28 July and 25 August 2021
Councillor Anna Bailey

The above meetings have taken place in July and August 2021.

Audit and Governance Committee – 30th July 2021

The Audit and Governance Committee met on 30th July 2021; the decision summary is attached as Appendix 1.

Overview and Scrutiny Committee – 26th July and 23rd August 2021

The Overview and Scrutiny Committee met on 26th July and 23rd August 2021; the decision summaries are attached as Appendix 2 and 3.

Combined Authority Board – 28th July 2021 and 25th August 2021

The Combined Authority Board met on 28th July and 25th August 2021; the decision summaries are attached as Appendix 4 and 5.

The agendas and minutes of the meetings are on the Combined Authority's website
– Link in the appendices.

Audit and Governance Committee Decision Summary

Meeting: 30th July 2021

Agenda/Minutes: [Audit and Governance Committee – 30th July 2021](#)

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
1.	Apologies and Declarations of Interests	<p>No apologies received.</p> <p>There were no declarations of interest.</p>
2.	Chair's Announcements	<p>The Chair made the following announcements:</p> <ol style="list-style-type: none"> 1) The attendance of the Business Board Chair scheduled for this meeting had been deferred due to the outcome at the CA Board when the proposal had been discussed and had failed at the vote due to the Mayor not supporting the proposal. The Chair advised that a meeting between himself and the Business Board Chair was being arranged to discuss how to take this forward. 2) The Chair requested that all members of the committee submit their Register of Interest forms to officers as soon as possible as some were still outstanding. 3) The Chair requested that members of the Committee complete and send to the Scrutiny Officer the Members Skill Set form to help inform future development sessions.

		<p>4) The Chair informed the Committee that the Combined Authority had been approached by members of the CA Board to consider the processes used in the closure of the Combined Authority trading company One CAM. Officers were going to look into this and report back. The scope would need to be provided to the Committee for them to consider.</p> <p>This issue had highlighted that there was currently no route for how members could refer matters to the Audit and Governance Committee, and this would be discussed in the work programming paper later in the meeting.</p>
3.	Minutes of the Previous Meeting and Action Notes	<p>The minutes from the meeting held on the 25th June 2021 were agreed as a correct record subject to the following amendment:</p> <p>Under item 5 – Cllr Sargeant raised a point that the review of the CA governance arrangements and the Housing Programme in regards to the MHCLG should be looked into.</p> <p>The Actions from the previous meeting were noted.</p>
4.	Combined Authority Update	<p>The Committee received the update from the Interim Chief Executive Officer which provided an update on the activities of the CA Board.</p>
5.	Work Programming	<p>The Committee received the report which requested that the committee discuss the suggested ways of developing their work programme.</p> <p>The Committee RESOLVED:</p> <p>a) that officers should take forward the proposals in the report and provide an updated work programme and terms of reference for the committee to agree at their next meeting.</p>

		<p>b) to invite the Chief Legal Officer/Monitoring Officer to develop proposals for a formal process of referral to the Audit and Governance Committee by other committees or the Combined Authority Board.</p> <p>c) that Members from constituent councils should be able to submit referrals to the committee</p> <p>d) to note the current work programme for the Audit and Governance Committee for the 2021/22 municipal year attached at Appendix 3</p>
6.	Internal Audit – Progress Report	Item was deferred to September meeting due to Internal Auditor inability to attend due to loss of internet connection at the meeting venue.
7.	Internal Audit – Annual Report	Item was deferred to September meeting due to Internal Auditor inability to attend due to loss of internet connection at the meeting venue.
8.	External Audit – Results	<p>The Committee received the report from the External Auditors which requested that they approve the Management Representation Letter 2021 and note the External Auditors report.</p> <p>The Committee RESOLVED to approve the Management Representation Letter 2020/21 and note the External Auditors report 2020/21.</p>
9.	Statement of Accounts and Annual Governance Statement	<p>The Committee received the report which requested that they approve the Statement of Accounts for 2020/21 and approve the Annual Governance Statement 2020/2021.</p> <p>The Chief Finance Officer advised that due to the delay with the information from the pension provider mentioned in the previous item that the committee could approve the accounts and annual governance statement in principle and delegate to the Chair to sign them off once the External Auditor had completed their audit.</p>

		<p>A member raised a query around the level of detail in the report and was advised that much of the detail was included within the exempt information which would be discussed later in the meeting.</p> <p>The Committee agreed in principle to approve the accounts and delegated to Sec 73 Officer and Chair to approve unless any substantial changes were made.</p> <p>The Committee agreed to approve the Annual Governance Statement subject to the discussions due to be held under item 6 and 7 from the Internal Auditors. As there were items of relevance to the Annual Governance Statement within the Internal Audit reports which had been deferred, the Committee were unable to review these points.</p> <p>The Chair called for a vote to delegate to the Section 73 Officer and the Chair to approve the Annual Governance Statement as it stood noting that the officers had responded to changes requested at their previous meeting.</p> <p>The vote fell with 2 votes in favour and 3 against.</p> <p>The Committee RESOLVED not to approve the Annual Governance Statement but defer this until the September meeting. As a result, the Statement of Accounts were not signed off and would need to be reviewed by an alternative auditor before the September meeting.</p>
10.	Corporate Risk Register	<p>The Committee received and noted the report which requested that the committee note and review the Combined Authority's Corporate Risk Register and recommend any proposed changes to the Corporate Risk Register to be reported to the next Combined Authority Board meeting for approval.</p>

		<p>The Committee Agreed that the residual risk for Climate Change should be considered by the CA Board at their next meeting to determine whether the significance of the risk had been properly calibrated.</p> <p>The Committee noted the Corporate Risk Register.</p>
11.	Appointment of Independent Persons for Member Conduct	<p>The Committee received the report from the Monitoring Officer which asked members to note the appointment process and role description to recruit two Independent Persons and request that the Chief Legal Officer/Monitoring Officer undertake the work necessary to recruit the Independent Persons.</p> <p>The Committee RESOLVED to:</p> <ul style="list-style-type: none"> a) note the appointment process and requested that the role description to recruit two Independent Persons be brought back to the next meeting for the committee to review. b) Ask the Chief Legal Officer/Monitoring Officer to undertake the work necessary to recruit the Independent Persons
12.	Date of next meeting	<p>The next meeting would be held on the 24th September 2021</p> <p>Venue TBC</p>

Overview and Scrutiny Committee Decision Summary

Meeting: 26 July 2021

Agenda/Minutes: [Overview and Scrutiny Committee – 26 July 2021](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	Apologies	Apologies received from Cllr J. Rippeth substituted by Cllr P. Fane
2.	Declarations of Interest	There were no declarations of interest.
3.	Minutes of the Previous Meeting	The minutes of the last meeting were agreed as an accurate record. A matter arising from the minutes was raised with regard to the coin-toss to elect the Chair of the Committee. The coin-toss is lawful and proportionate but there would be liaison with legal opinion to understand whether there are any steps that need to be taken to report to the Committee.
4.	Public Questions	There were no public questions received.
5.	Centre for Governance and Scrutiny Update	Interim arrangements for lead members were AGREED. The following members of the Committee were appointed to the following lead member roles unanimously, on an interim basis, pending the full implementation of the new O&S arrangements and governance review: <ul style="list-style-type: none"> • Transport: Cllr Dave Baigent

		<ul style="list-style-type: none"> • Skills: Cllr Andy Coles and Cllr Alex Miscandlon • Housing: Cllr Aidan Van de Weyer • Climate Change and Environment: Cllr Michael Atkins • Business Board: Cllr Dog Dew • CAM Task and Finish Group: Cllr Mike Davey • Bus Review Task and Finish Group: Cllr Anne Hay <p>The arrangements will be formalised, and rapporteurs appointed at the October meeting of the Committee.</p>
6.	Combined Authority Board Agenda	<p>There were no questions for the Combined Authority Board.</p> <p>The Committee AGREED that the Chair and Vice-Chair, when meeting the Mayor, should raise the 71 commitments agreed with the government in the devolution deal to gain a better understanding of them in terms of Mayoral priorities. This would enable the Committee to keep the commitments under review.</p> <p>It was AGREED that the Chair and Vice-Chair receive assurance from the Mayor that there will be engagement with all constituent authorities on the refreshed transport plan.</p>
7.	Combined Authority Forward Plan	<p>The Forward Plan was noted.</p>
8.	Date and Time of Next Meeting	<p>The next meeting would be held on the 27 September 2021 at 11.00 am.</p> <p>This was subsequently superseded by a meeting on Monday, 23 August at 11.00 a.m.</p>

Overview and Scrutiny Committee Decision Summary

Meeting: 23 August 2021

Agenda/Minutes: [Overview and Scrutiny Committee – 23 August 2021](#)

Chair: Cllr Lorna Dupré

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	Apologies	Apologies received from Cllr J. Rippeth substituted by Cllr P. Fane Apologies received from Cllr M. Atkins, no substitution.
2.	Declarations of Interest	There were no declarations of interest.
3.	Minutes of the Previous Meeting	The minutes of the last meeting were agreed as an accurate record.
4.	Public Questions	There were no public questions received.
5.	Overview and Scrutiny Committee Arrangements	The Committee noted the update. The Committee agreed to hold an informal workshop on the role of scrutiny with regard to trading companies.
6.	Overview and Scrutiny Work Programme	Whilst some indication of the Mayor's emerging priorities was welcomed the discussion around the report provided, and the work programme and prioritisation led to the following points being raised:

		<ul style="list-style-type: none"> • More clarity is required around the Mayor’s emerging priorities, as well as some further information around each shared with the Chair and Vice-Chair • Further information on the Local Transport Plan would be welcomed as a report is being taken to the September Combined Authority Board • The delivery methods for each of the priorities needs to be known • The Committee would wish to know the metrics for measuring compassion <p>It was suggested the Mayor be approached to provide the Committee with an explanatory paragraph on each of the four themes he had highlighted, and the Chair agreed to contact the Mayor’s office to request this. The first Mayoral Question Time scheduled for November 2021 might be an opportune time to raise the Public Service Reform Commission it was agreed.</p> <p>It was agreed that whilst more information on the Mayor’s priorities is awaited the Committee should move forward with its own agenda setting. Therefore, the following items were proposed for future Committee meetings:</p> <ul style="list-style-type: none"> • Affordable housing • The active travel agenda • The devolution deal • The CAM (particularly in relation to the financial implications of the cessation of the programme)
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		<ul style="list-style-type: none"> • E-scooters • The Climate change contribution of the Combined Authority <p>It was agreed that the theme for the Committee meeting in September 2021 be transport. As Chair of the Transport & Infrastructure Committee the Mayor should be invited to attend the meeting, in that capacity, to answer questions. The key areas the Committee agreed should be considered to enable it to reflect on what it should focus on moving forward are:</p> <ul style="list-style-type: none"> • Active travel • The Local Transport Plan • The key route network • Buses and Railways • E-scooters • Road changes • CAM
7.	Mayor’s Question Time – Format Proposal	<p>Members raised the following points:</p> <ul style="list-style-type: none"> • The proposed format does not give enough time for open dialogue as it only allows one follow-up question per pre-planned question. The committee raised a concern as to whether this would prevent further dialogue within the session

		<ul style="list-style-type: none"> • The proposed frequency of the Mayoral Question Time in Overview and Scrutiny meetings is currently once a year, the members find that this is not enough and would recommend meeting four times a year as per the expectation of the previous Mayor • There would be benefits to having structure to the question time, focused themes for each of the four sessions would be an efficient way of adding structure • Recommendation that there would be a further explanation of the role of Overview and Scrutiny, and the differences between an Overview and Scrutiny Mayoral Question Time and one held outside of committee meetings <p>Members agreed to recommend a non-time limited quarterly meeting, allowing further follow up questions to create more of an open discussion, and a possible theme of each Question Time session</p>
8.	Combined Authority Board Agenda	<p>It was agreed to put a general question to the Combined Authority Board, thus:</p> <p>The Committee is concerned that three of the four substantive items on the agenda for the Board have been placed on the agenda by way of general exception notice. What plans does the CA have to ensure that adequate notice is given for significant decisions in future?</p> <p>It was agreed that the Committee put the following questions to the Combined Authority Board in relation to agenda item 2.4:</p> <ol style="list-style-type: none"> 1. Does the Combined Authority have an accommodation strategy; and if not, why not and what plans are there to develop one? If it does have an accommodation strategy how does the suggestion of

		<p>purchasing a freehold for a premises at Alconbury align with this strategy?</p> <p>2. The Combined Authority surrendered the lease on the previous accommodation at Alconbury due to public transport access. Therefore, what has happened in the interim to change that view?</p> <p>3. What analysis has been done to suggest Alconbury is a suitable venue for the Combined Authority?</p> <p>4. What are the overall costs for surrendering the lease of the previous premises at Alconbury?</p>
9.	Combined Authority Forward Plan	The Forward Plan was noted.
10.	Date and Time of Next Meeting	The next meeting would be held on the 27 September 2021.

Combined Authority Board Decision Summary

Agenda/Minutes: [Combined Authority Board 28 July 2021](#)

Meeting: Wednesday 28 July 2021

Part 1 - Governance Items

1.1 Announcements, Apologies for Absence and Declarations of Interest

Apologies for absence were received from Councillor L Nethsingha (substituted by Councillor E Meschini) Councillor B Smith (substituted by Councillor N Gough) and Councillor E Murphy.

Mr Adams made a declaration of interest in relation to Item 4.4: Business Board Expenses and Allowances Scheme in relation to his role as Chair of the Business Board. Mr Adams left the meeting for the duration of this item and the vote.

1.2 Minutes of the Combined Authority Board meeting on 30 June 2021

The minutes of the meeting on 30 June 2021 were approved as an accurate record and signed by the Mayor.

1.3 Petitions

No petitions were received.

1.4 Public Questions

No public questions were received.

1.5 Forward Plan

The Combined Authority Forward Plan was noted.

1.6 Lead Member Responsibilities

It was resolved to:

- a) Note and agree the responsibilities for the Environment and Climate Change lead member portfolio, subject to the adding the following wording:
 - i. To act as Lead and champion in the cause of:
- b) Note and agree the responsibilities for the Public Health lead member portfolio, subject to the adding the following wording:
 - ii. To act as Lead and champion in the cause of:
 - iii. To promote reductions in health inequalities across the Combined Authority area.
- c) Note and agree the Mayor's nominations to the new lead member portfolios:
 - i. Councillor Chris Boden: Lead Member for Public Health
 - ii. Councillor Bridget Smith: Lead Member for the Environment and Climate Change

1.7 Appointment process for two Independent Persons

It was resolved to:

Agree the appointment process and role description to recruit two Independent Persons, subject to the following amendment being made:

The Independent Person will not be:

~~An active~~ A member of a political party.

1.8 Appointment of Independent Remuneration Panel to review the Members Allowance Scheme

The report was withdrawn.

1.9 Performance Report and Devolution Deal Update

It was resolved to:

- a) Note the latest Performance Dashboard
- b) Note the update against Devolution Deal Commitments

Part 2 - Finance

2.1 Budget Monitor Report: July 2021

It was resolved to:

- a) Note the financial position of the Combined Authority for the year to date.
- b) Approve the recommendation from the Business Board to amend the budgets for the Local Growth Fund (LGF) management costs for 2021-22 and 2022-23.

Part 3 – Combined Authority Decisions

3.1 Future Transport Strategy and One CAM Limited

It was resolved to:

- a) Note the decision of the Chief Executive to stop task orders in relation to the delivery of the work of One CAM Limited.
- b) Note the recommendation of the Board of One CAM Limited that the work of the company be suspended until a comprehensive review of the One CAM programme and the Local Transport Plan be completed, and authorise a material reduction in the activity of One CAM Limited pending a final decision in relation to the CAM Programme.
- c) Request that the Chief Executive and the Director of Delivery and Strategy bring a report to the September meeting of the Combined Authority Board recommending future steps in relation to the One CAM project and the further use or permanent closure of One CAM Limited

- d) Request that the Chief Executive and the Director of Delivery and Strategy bring a further update on revisions to the Local Transport Plan to the Board in September along with the outcome of a review on the use of consultants in the delivery of this work.

3.2 Zero Emission Bus Regional Areas (ZEBRA) Phase 2

It was resolved to:

- a) Note the contents of this paper.
- b) Delegate authority for the Director of Delivery and Strategy, in consultation with the Chair of the Transport Committee, to prepare, submit and publish a business case to the Department for Transport (DfT) for the ZEBRA Phase 2 application for alternative fuel buses and necessary infrastructure.

3.3 Phase 3 University of Peterborough – Masterplan and Short-Term Financing

It was resolved to:

- a) Approve a £100,000 grant to Peterborough City Council (PCC), to contribute to the £300,000 Master Planning works,
- b) Give consent as the majority shareholder in the Peterborough HE Property Company Limited (Prop Co 1) to allow Prop Co 1 to consider and approve a short term cashflow financing proposal for Phase 3 of the University of Peterborough (UoP).

3.4 Market Towns Programme - Approval of Change Requests for Huntingdonshire and East Cambridgeshire to extend funding expenditure timelines

It was resolved to:

- a) approve the request received from Huntingdonshire District Council to extend the funding timeline on their Market Towns budget allocation of £3,100,000 to March 2024 as match investment to the St Neots Future Hugh Street Fund Scheme.

- b) approve the request received from Huntingdonshire District Council to extend the funding timeline and spend profile on their remaining budget allocation of £609,655 to March 2023 for St Neots Masterplan (Phase 1).
- c) approve the request received from East Cambridgeshire District Council to extend the funding timeline on their remaining Market Towns budget allocation of £2,144,000 to March 2023 for the towns of Ely, Soham and Littleport.

3.5 March – Future High Streets Funding Bid: Additional Combined Authority Match Funding

It was resolved to:

- a) Consider the four options identified from the independent appraisal report in response to Fenland District Council's application for an additional £1.1m of Combined Authority funding towards the March Future High Streets Fund Programme under Market Towns Programme.
- b) Approve the additional £1,100,000 requested by Fenland District Council (Option 1), subject to the business case being received by the Board.

3.6 Digital Skills Bootcamps

It was resolved to:

- a) Approve the contract for Skills Bootcamps, Wave 2 Lot 1 and associated funding for the delivery of Digital Bootcamps in the East of England. The contract value is £1,826,250 with delivery of the Bootcamps to be complete by 31st March 2022.
- b) Delegate to the Director of Business & Skills, in consultation with the Chief Finance Officer, authority to award and enter into contracts with consortia partners.

3.7 Angle Holdings - Directorship

It was resolved to:

- a) Approve the removal of Mr James Palmer as a director of Angle Holdings Limited;
- b) Approve the appointment of Mayor Dr Nik Johnson as a director of Angle Holdings Limited;
- c) Note that Angle Holdings Limited will complete the appointment, and relevant regulatory filings.

3.8 Investment Fund Gateway Review

It was resolved to:

Note Ministers' decision that the Combined Authority Investment Fund has passed its first Gateway Review, and the consequent confirmation of the next tranche of £100 million Gainshare funding.

3.9 Active Travel Management

It was resolved to:

- a) Agree the approach to submitting active travel funding proposals to the government set out in this paper.

By recommendation to the Combined Authority

Part 4 – Business Board recommendations to the Combined Authority Board

4.1 Strategic Funding Management Review July 2021

It was resolved to:

- a) Reject the Project Change Request for the Wisbech Access Strategy Project.
- b) To note that officers will work with Wisbech Access Strategy Project lead to explore all implications and consequences of next steps for the project and report to next Combined Authority Board meeting.
- c) Note the other programme updates contained in the report to the Business Board on 14 July 2021.
- d) Support, in principle, the use of £1.88m of existing medium term financial plan (MTFP) budget to complete design work and land acquisitions for the three remaining schemes within the Wisbech Access Strategy project, subject to the business case being received by the Board.

4.2 Business Board Annual Report and Delivery Plan

It was resolved to:

- a) approve the Business Board's Annual Report (2020-21) and Annual Delivery Plan (2021-22), and approve submission of both documents to the Department for Business, Energy & Industrial Strategy (BEIS);
- b) approve a new budget of £15k to implement design work to develop and produce a publishable version of the Annual Report and Delivery Plan, and digital platform, to better communicate and showcase achievements of the Business Board, to be funded from Enterprise Zones Reserve Fund.

4.3 Business Board Performance Assessment Framework and Recruitment Process

It was resolved to:

Approve the use of the Enterprise Zones Reserve Fund to fund the evaluation of the Business Board and individual private sector members, to a maximum budget cap of £35k (plus VAT).

4.4 Business Expenses and Allowances Scheme

It was resolved to:

Approve an amendment to be made to the Business Board Expenses and Allowances Scheme to include the option for members to forgo remuneration payments.

4.5 High Performance Computing Study and Roadmap

It was resolved to:

Approve £46,000 Enterprise Zone Reserve funding to commission the development of a feasibility study for the High-Performance Computing and Artificial Intelligence capability to support the Digital cluster development across the Greater Cambridge and wider Combined Authority area.

Combined Authority Board Decision Summary

Agenda/Minutes: [Combined Authority Board 25 August 2021](#)

Meeting: Wednesday 25 August 2021

Part 1 - Governance Items

1.1 Announcements, Apologies for Absence and Declarations of Interest

Apologies were received from Mr A Adams, substituted by Professor A Neely; Councillor R Fuller, substituted by Councillor J Neish; Councillor L Herbert, substituted by Councillor M Smart; and Councillor E Murphy.

There were no declarations of interest.

1.2 Minutes of the Combined Authority Board meeting on 28 July 2021

The minutes of the meeting on 28 July 2021 were approved as an accurate record, subject to a spelling correction, and signed by the Mayor.

1.3 Petitions

No petitions were received.

1.4 Public Questions

Three public questions were received from Rod Hart, on behalf of the Cambridgeshire and Peterborough Climate Action Coalition; Dorothy Ball, a local resident; and Antony Carpen, a local resident. Copies of the questions and the responses (once published) can be viewed on the [25 August 2021 Combined Authority Board meeting web page](#).

1.5 Annotated Forward Plan – August 2021

It was resolved to approve the Forward Plan.

Part 2 – Finance

2.1 Wisbech Access Strategy (Phase 1)

It was resolved to:

- a) Approve £1.88m from the subject to approval funding within the Medium-Term Financial Plan enabling Cambridgeshire County Council to complete the purchasing of land, detailed design, and the Full Business Case for the project.
- b) Authorise the Director of Delivery and Strategy to conclude a revised Grant Funding Agreement with Cambridgeshire County Council on terms approved by Chief Legal Officer/ Monitoring Officer.

2.2 Peterborough Station Quarter

It was resolved to:

- a) Recommend to the CPCA Board drawdown of £350,000 from the Transport Response Fund for the development of a Strategic Outline Business Case
- b) Note the programme to progress the development of the Strategic Outline Business Case.

2.3 March – Future High Streets Funding Bid: Business Case for Additional Combined Authority Match Funding

It was resolved to:

- a) Accept the Business Case for the March Town Regeneration Future High Streets Fund Scheme
- b) Approve the drawdown of the £1.1m of 'Subject to Approval' Combined Authority funding for the March Future Highstreet Fund.
- c) Authorise the Chief Legal Officer and Monitoring Officer to complete the funding agreement with the grant recipient.

2.4 iMET Opportunity and Combined Authority Accommodation needs

It was resolved to:

Carry out a search exercise within the estate of the constituent councils and other public sector bodies in the area of the Combined Authority for other potential opportunities to secure office space to meet CPCA's future office needs. Output to be reported back to the Board with options for consideration.

ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY

Committee: Council

Date: 21 October 2021

Author: John Hill, Chief Executive

[W87]

1.0 **ISSUE**

1.1 To note the action taken by the Chief Executive on the grounds of urgency.

2.0 **RECOMMENDATION**

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

3.0 **BACKGROUND**

(a) Additional Restrictions Grant – Round 6

3.1 The Additional Restrictions Grant is a discretionary funding scheme for local authorities to support businesses in their local economies during periods of lockdown relating to the COVID-19 pandemic. This grant is in addition to the Local Restrictions Support Grant funding for businesses with a business rates account that are forced to closed.

3.2 In response to the 4-week pause at Step 3 of the roadmap, Government has made changes to the Additional Restrictions Grant (ARG) guidance to increase flexibility around both business eligibility, and the operation and delivery of the ARG scheme.

3.3 The eligibility criteria and priority groups are detailed in the proposed scheme, which is attached at Appendix 1 for your information.

3.4 The decision on the grounds of urgency will enable the Council to implement the scheme and benefit those eligible businesses as soon as possible. The East Cambridgeshire Additional Restrictions Grant will go live from Monday 13th September 2021 and the Council will be required to complete weekly returns to the Department of Business, Energy and Industrial Strategy.

(b) Little Thetford Parish Council

3.5 The Chief Executive has taken urgent action to make an order under S91 Local Government Act 1972, to temporarily appoint Parish Councillors to Little Thetford Parish Council. This will enable the Parish Council to be quorate and take action, particularly in relation to the payment of contractors, until vacancies are filled under the provisions of Section 91. (For information, the Notice of Election will be published on 30 September 2021).

3.6 This action on the grounds of urgency taken before the next full Council meeting on 21 October 2021, is required due to the resignation of five Parish Councillors leaving only two existing Parish Council Members and making the Council inquorate. The Parish Clerk has advised the District Council of the need to take a number of decisions, specifically in relation to the payment of contractors.

3.7 The persons appointed under Section 91 Order (copy of sealed version attached at Appendix 2) are:
Bill Hunt
Charlotte Mitchell
Alison Kilby

3.8 Under the Constitution, the Chief Executive is required to consult with the Leader of the Council prior to delegated decisions being made and subsequently inform the Chairman of Council and Leaders of the other Political Groups on the Council.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 There are no additional financial implications.

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

5.0 APPENDICES

Appendix 1 – ARG Round 6 Eligibility Criteria

Appendix 2 – copy of sealed S91 Order

Background Documents

Urgent Action Memos dated: 9
& 24 September 2021

Location

Room 103
The Grange
Ely

Contact Officer

John Hill
Chief Executive
(01353) 665555
john.hill@eastcambs.gov.uk

East Cambridgeshire District Council Additional Restrictions Grant Scheme Round 6

In response to the 4-week pause at Step 3 of the roadmap, a sixth round of the Additional Restrictions Grant (ARG) scheme has been launched to support businesses in East Cambridgeshire negatively affected by the COVID-19 pandemic. The ARG is a discretionary funding scheme for local authorities to support businesses in their local economies during periods of lockdown relating to the COVID-19 pandemic.

The grant is to support businesses impacted by the COVID-19 restrictions from 21 June 2021 to 18 July 2021.

Eligible businesses

This grant scheme is for businesses in the eligible sectors with fixed business costs who experienced a significant loss of income (over 30%) directly related to/as a result of the ongoing COVID-19 restrictions in place from 21 June 2021 to 18 July 2021.

To be eligible for an ARG Round 6 grant, businesses must be in the following business sectors:

- Hospitality
- Leisure
- Accommodation
- Gym and sports
- Personal care
- Travel and tourism, including group travel, travel agents and tour operators
- Wedding industries
- Nightclubs
- Theatres
- Events industries
- Wholesalers supplying eligible businesses
- English language schools
- Breweries

In order to be eligible for a grant under this scheme, businesses must also:

- Have been trading on 14 June 2021. For the purposes of this grant scheme, a business is considered to be trading if it is engaged in business activity. This should be interpreted as carrying on a trade or profession, or buying and selling goods or services in order to generate turnover.
- (For businesses with fixed premises) be operating from premises located within East Cambridgeshire or (for mobile businesses), be based at a home address within East Cambridgeshire and operate within the district.
- Have experienced a significant loss of income (over 30%) directly related to/as a result of the 4-week pause at Step 3 of the roadmap from 21 June 2021 to 18 July 2021.
- Be able to demonstrate that they have had ongoing fixed business costs, for example, rent or other costs that they have had to meet during the period of the 4-week pause at Step 3 of the roadmap from 21 June 2021 to 18 July 2021.
- Be able to demonstrate that trade has dropped due to an inability to deliver consumer services (that cannot be delivered online) to customers due to social distancing requirements and/or restrictions on movement.

Applicants must be able to demonstrate one or more of the following:

- The public are required to enter the business premises to purchase goods/services.
- They supply/trade with businesses that were impacted by the the 4-week pause at Step 3 of the roadmap from 21 June 2021 to 18 July 2021.
- Their supplier/s were impacted by the 4-week pause at Step 3 of the roadmap from 21 June 2021 to 18 July 2021.

- Businesses in the events sector must demonstrate that they have lost income due to not being able to attend events due to the 4-week pause at Step 3 of the roadmap from 21 June 2021 to 18 July 2021.

Businesses excluded from the fund

- Businesses that have already received grant payments that equal the maximum permitted levels of subsidy will not be eligible to receive funding.
- Businesses that are in administration, insolvent or where a striking-off notice has been made, are not eligible for funding under this scheme.

Ineligible businesses

The Council recognises that a much wider range of businesses is allowed to be open during Lockdown restrictions (for example, manufacturing, construction, professional services and so on) but these businesses are not eligible for grant support under this scheme.

This is because their main business is not reliant on offering in-person services to customers that are heavily impacted by the COVID-19 restrictions in force.

Which businesses are not included in the scheme?

Businesses and individuals eligible to receive grants under the Restart Grant Top-up Payment scheme cannot claim under this scheme.

- Businesses that have chosen to close but not been required to will not be eligible for this grant. This includes business premises which were already closed directly before the restrictions were imposed.
- Businesses that are able to continue to trade because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely.
- Financial Services (e.g. bank), Medical Services (e.g. vets, dentist), Professional Services (e.g. solicitor), Estate & Letting Agents and Post Office sorting offices are not eligible for grants.
- Businesses whose primary function is not to provide goods/services to members of the public within their premises (e.g. office and manufacturing businesses).
- Businesses that have not been able to demonstrate a significant loss of income (at least 30%) due to COVID-19 from 21 June 2021 to 18 July 2021.
- Land/premises used for storage or for personal use.
- Empty premises.
- Businesses that have exceeded the permitted Subsidy Allowance.
- Companies that are in administration, are insolvent or where a striking-off notice has been made.

Applications are restricted to one application, per person, per premises.

Applicants/businesses who have received a grant under the Restart Grant To-up Payment scheme for a different business cannot claim under this scheme.

Managing the risk of fraud

The Council will not accept deliberate manipulation or fraud and any business caught falsifying their records to gain grant money may face prosecution and any funding issued will be subject to claw back, as may any grants paid in error. All information is subject to internal and external audit checks.

Sharing Information

East Cambridgeshire District Council will share data for efficient system administration and to protect the Public Purse, subject to the GDPR. This will include sharing data with Anglia Revenues Partnership, Central

Government and other Local Authorities. Grant recipients may be contacted for research purposes, and their data will be shared with BEIS for research and evaluation purposes.

By applying for an Additional Restrictions Grant all applicants give authority to East Cambridgeshire District Council to share data for efficient system administration and to protect the Public Purse, subject to the GDPR. This will include sharing data with Anglia Revenues Partnership, Central Government and other Local Authorities. Grant recipients may be contacted for research purposes, and their data will be shared with BEIS for research and evaluation purposes.

Grant income

Grant income received by a business is taxable, therefore funding paid under the Additional Restrictions Grant scheme will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

Evidence required to support your claim

You will need certain information to hand when completing the application form. Please ensure that you have prepared your supporting documentation prior to starting the application process, to prevent being timed out.

Failure to provide this information may result in your application being rejected.

- Information regarding the nature of your business such as number of employees
- Business in domestic properties will need a copy of their council tax bill
- Companies House registration number (where applicable)
- VAT registration number (where applicable)
- If not a company and not VAT registered, a document from HMRC showing your Unique Taxpayer Registration number
- Date and amount of any grant funding or reliefs received from a public body over the last three years (for Subsidy Allowance / State Aid declaration)
- Business bank account details such as account number and sort code
- Copies of full (not partial) bank statements from 21 June 2021 to 18 July 2021.
- A letter from your accountant stating what percentage of business income you have lost from 21 June 2021 to 18 July 2021 compared to those dates in 2019, when there were no COVID-19 restrictions in place.
- To evidence a loss of income, full (not partial) bank statements from 21 June 2019 to 18 July 2019.
- Details of your regular fixed business costs, e.g. rent, mortgage, insurance etc. with copies of invoices. These must be in the business name and not be domestic costs and cover the period from 21 June 2021 to 18 July 2021.

How much funding will be provided to businesses?

This is a one-off grant to cover the period from 21 June 2021 to 18 July 2021.

- Business operating from a commercial property will receive a payment of £1,000.
- Mobile businesses, businesses in the events industry and business operating from a domestic property will receive a payment of £700.
- Community facilities (village hall, church hall, meeting room, scout/guide hut etc) will receive a payment of £700.

The closing date for applications is 5pm on Sunday 3 October 2021.



THIS ORDER is made on the 27 day of September, Two Thousand and Twenty One by EAST CAMBRIDGESHIRE DISTRICT COUNCIL ("The Council")

1. WHEREAS following the resignation of Five of the Seven Parish Councillors of Little Thetford Parish Council, one councillor is required to give a minimum number required for a quorum (that quorum being three Parish Councillors).
2. Under Section 91 of the Local Government Act 1972, where there are so many vacancies in the office of Parish Councillor that the Parish Council are no longer able to act, East Cambridgeshire District Council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected to take office.

Now in pursuance of the Power conferred upon it by Section 91 of the Local Government Act 1972 the Council hereby appoints the following persons to act as Members of Little Thetford Parish Council in accordance with Section 91.

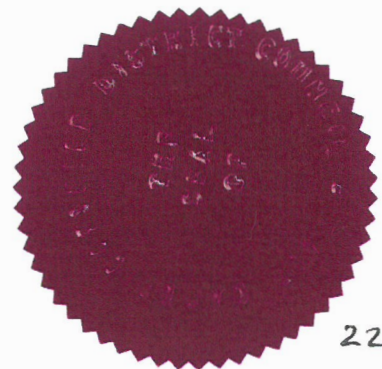
LITTLE THETFORD PARISH COUNCIL

Bill Hunt

Charlotte Mitchell

Alison Kilby

The COMMON SEAL of
East Cambridgeshire District Council
Was hereunto affixed in the presence of:



Legal Services Manager & Monitoring Officer

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