



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Annual Meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held in **THE COUNCIL CHAMBER, NUTHOLT LANE, ELY ON THURSDAY 24 MAY 2018** commencing at **6.00pm** with up to 15 minutes of Public Question Time, immediately followed by the formal business, and you are summoned to attend for the transaction of the following business.

**PRIOR TO THE COMMENCEMENT OF THE FORMAL BUSINESS,
PRAYERS WILL BE DELIVERED BY
THE REVEREND ELEANOR WHALLEY
Priest-in-Charge, St Andrew's Church, Soham**

AGENDA

- 1. PUBLIC QUESTION TIME** **[oral]**
The meeting will commence with up to 15 minutes public question time
- 2. ELECTION OF CHAIRMAN 2018/19**

Nomination	Proposed By	Seconded By
Councillor Peter Cresswell	Councillor Charles Roberts	Councillor Anna Bailey
- 3. APOLOGIES FOR ABSENCE** **[oral]**
- 4. APPOINTMENT OF VICE-CHAIRMAN 2018/19**

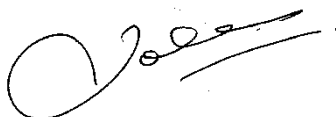
Nomination	Proposed By	Seconded By
Councillor Lis Every	Councillor Peter Cresswell	Councillor Richard Hobbs
- 5. DECLARATIONS OF INTEREST** **[oral]**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct.
- 6. MINUTES – 19 APRIL 2018**
To confirm as a correct record

7. **CHAIRMAN'S ANNOUNCEMENTS** [oral]
A tribute will be given by the Chairman and a minute's silence held as a mark of respect following the death of former District Councillor Nigel Bell.
8. **TO RECEIVE PETITION(S) (IF ANY)** [oral]
9. **NOTICE OF MOTIONS UNDER PROCEDURE RULE 10** [oral]
10. **TO ANSWER QUESTIONS FROM MEMBERS (IF ANY)** [oral]
11. **LEADER AND DEPUTY LEADER OF THE COUNCIL, GROUP LEADERS AND DEPUTIES**
12. **POLITICAL PROPORTIONALITY**
13. **MEMBERSHIP OF COMMITTEES AND SUB COMMITTEES (INCLUDING SUBSTITUTES) AND OTHER MEMBER BODIES 2018/19**
14. **CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY – CONSENT TO BUSINESS RATES ORDER AND DEVOLUTION OF THE ADULT EDUCATION BUDGET**
15. **CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY – MEMBERSHIP AND OTHER APPOINTMENTS**
16. **COMMUNITY INFRASTRUCTURE LEVY: AMENDMENTS TO THE REGULATION 123 LIST**
17. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

That the press and public be excluded during the consideration of the remaining item no. 18 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 Categories 1, 2 and 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

18. **EXEMPT MINUTES – 19 APRIL 2018**

To confirm as a correct record



J Hill
Chief Executive

To: All Members of the Council

NOTE: AT THE CONCLUSION OF THE ANNUAL COUNCIL MEETING, THE FOLLOWING COMMITTEES/SUB-COMMITTEES WILL MEET IN THE COUNCIL CHAMBER TO ELECT A CHAIRMAN AND APPOINT A VICE-CHAIRMAN, ETC, FOR 2018/19:

- **RESOURCES AND FINANCE COMMITTEE**
- **REGULATORY SERVICES COMMITTEE**
- **COMMUNITY SERVICES COMMITTEE**
- **ASSET DEVELOPMENT COMMITTEE**
- **LICENSING COMMITTEE**
- **PLANNING COMMITTEE**
- **SHAREHOLDER COMMITTEE**

NOTES:

Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 50 people. Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 15 minutes before the start time of the meeting.

There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling the telephone number as listed at the top of this agenda or by logging onto the Council's website.

Fire instructions for meetings:

- If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
- The fire assembly point is in the front staff car park by the exit barrier.
- This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
- The Committee Officer will sweep the area to ensure that everyone is out of this area.

Reports are attached for each agenda item unless marked "oral".

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

translate@eastcambs.gov.uk

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 6

Minutes of the Meeting of East Cambridgeshire
District Council held in the Council Chamber,
The Grange, Nutholt Lane, Ely on Thursday
19 April 2018 at 6.00pm

PRESENT

Councillor Peter Cresswell (Chairman)	
Councillor Allen Alderson	Councillor Richard Hobbs
Councillor Christine Ambrose-Smith	Councillor Mark Hugo
Councillor David Ambrose-Smith	Councillor Bill Hunt
Councillor Anna Bailey	Councillor Chris Morris
Councillor Derrick Beckett	Councillor Hamish Ross
Councillor Ian Bovingdon	Councillor Mike Rouse
Councillor David Brown	Councillor Carol Sennitt
Councillor David Chaplin	Councillor Alan Sharp
Councillor Steve Cheetham	Councillor Mathew Shuter
Councillor Paul Cox	Councillor Stuart Smith
Councillor Lorna Dupré	Councillor Lisa Stubbs
Councillor Lavinia Edwards	Councillor Jo Webber
Councillor Lis Every	Councillor Christine Whelan
Councillor Mark Goldsack	

80. **PUBLIC QUESTION TIME**

No public questions were submitted.

81. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allan, Austen, Bradley, Griffin-Singh, Huffer, Pearson, Roberts, D Schumann and J Schumann.

82. **DECLARATIONS OF INTEREST**

Councillor Bailey made a declaration of Interest in respect of agenda item number 14 as she was a Member of the Board of the East Cambs Trading Company.

83. **MINUTES**

It was resolved:

That the Minutes of the meeting held on 22 February 2018 be confirmed as a correct record and be signed by the Chairman.

Councillor Dupré asked, in reference to minute number 77, whether there was any information from the Combined Authority relating to the bus timetable review, that had not been reported back. The Chief Executive explained that he was still awaiting the final details, which would be forwarded once received.

84. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

Former District Councillor Alan White

Since the Council's last meeting, Members would have received the sad news that former District Councillor Alan White had passed away. He had been a conscientious and loyal Member of this Council from its formation in 1973 until 2007, representing the Downham Villages.

A minute's silence was held to commemorate former Councillor White.

The Chairman then invited Councillor Bailey to pay her own tribute. Councillor Bailey stated that former Councillor White had given a full and dedicated service and had worked on many committees from 1973 to 2007, with two stints as a Committee Chairman. Quite simply he was always around and did so much work for Little Downham. He was heavily involved in the conversion of the school and was often seen mowing the verges. He had given a long service to the village and it would be hard to think of the village without him and things would not be the same.

Members' Seminar – Ouse Washes and Flood Risk in the Area

The Council was reminded that Councillor Bradley had arranged for Mr Phil Burrows of the Environment Agency and Mr Andrew Newton of the Internal Drainage Boards to give presentations at the seminar scheduled for Thursday 26th April 2018.

This followed the Motion agreed at the last Council meeting. Members were urged to attend that important seminar and to let Democratic Services know whether they intended to attend, if they had not already done so.

Annual Reports from Representatives on Outside Bodies

Members were also reminded that the annual reports from Representatives on Outside Bodies for 2017/18 had been due for return by 29th March, but a number were still outstanding. Members were asked to complete and return them to Janis Murfet, Democratic Services Officer, as soon as possible.

Ely Country Park

The Council had successfully obtained Natural England Country Park accredited status for Ely Country Park. This meant recognition of the site's high quality facilities and services, it would be promoted to the public via Natural England's national publicity media and it could use the Natural England logo and branding. This achievement reflected the fantastic work of the volunteers and would help applications for funding. Congratulations were offered to all those involved.

Chairman's Civic Reception

Finally, a personal reminder from the Chairman that the Chairman's Reception would take place on Friday 20th April 2018 at Granary Barns, Woodditton. The Chairman hoped Members would be able to join him that evening.

Members' Site Visit

Members were reminded that a visit to G's in Barway would be held on Friday 27th April. Any Members able to join the party should advise Rebecca Findlay, Marketing Officer in Economic Development, and let her know their shoe size.

85. **PETITIONS**

No Petitions had been received.

86. **MOTIONS**

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

Purge on Plastics

This Council endorses the Government's "A Green Future: Our 25 Year Plan to Improve the Environment" including the commitment to achieve zero avoidable plastic waste by end of 2042.

The Council acknowledges it has an important part to play in meeting these ambitious targets by taking action now to act as an exemplar for public, private, voluntary bodies and individual members of the community.

This Council commits itself to reduce the reliance on Single – Use plastics across the District.

The Council is committed to a 'Purge on Plastics' by 'leading from the front' by working towards the removal of all consumer single use plastics in our workplace.

The Council will continue to make it easier for people to recycle, building on the success of the second blue recycling bin.

The Council repeats its commitment to achieving a 60% recycling rate in our district.

The Council will work positively with residents and businesses in our area to promote our 'Purge on Plastics'.

To this end, the Council approves the Statement of Intent attached and instructs the Chief Executive to provide an Annual Statement to Council on our progress in achieving these objectives.

Councillor Dupré tabled and proposed an amendment, seconded by Councillor Whelan, to revise the final paragraph of the motion to read:

To this end, the Council approves the Statement of Intent attached, **instructs officers to prepare a draft action plan for consideration by the Regulatory Services Committee** and instructs the Chief Executive to provide an Annual Statement to Council on our progress in achieving these objectives.

Councillor Dupré stated that this was a simple amendment and it was intended to be helpful. The intention of the Council needed an action plan to log the actions being taken, with the annual report giving an update on those actions. The action plan would be drawn up by officers and considered by the Regulatory Services Committee to give it Member approval. This would help with governance and tracking progress.

Councillor Bailey was pleased that Councillor Dupré was enthusiastic about the motion but thought she had misunderstood it. The Statement of Intent was meant to help change the organisation not to produce a large document covering the issue. Therefore she could not support the amendment.

Councillor Whelan considered the need for an action plan was apparent, so the Council could lead by example. If there was no action plan then the motion said nothing about how the Council could lead on the issue. The action plan would set out a strategic plan on what the Council intended to do.

Councillor Dupré considered that there was some misunderstanding of the amendment, as the action plan was not expected to consist of a lot of documents or be bureaucratic. It would be clear and straight forward to do and would allow monitoring of progress. Not including it would indicate the Council was not committed enough to the issue.

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

Councillor Bailey, in speaking for the motion, revealed that 8.3 billion tonnes of plastic had been produced with only 9% being recycled during 2015 and only 12% incinerated. Worldwide 1 million plastic bottles were bought every second and if placed end-to-end would stretched around the earth 31 times. This was damaging the environment and society needed to change to stop it.

The bullet points of the motion showed the actions the Council would be prepared to take. These were small everyday acts that would collectively give the help the planet needed. A start had to be made somewhere and the Council should regularly test how it was doing. It would not be easy but the Council had to keep going to achieve the correct behaviour.

A special mention was made of the Markets Team, which were changing shopping habits by reducing the amount people purchased in one go through the introduction of the mini-markets and using re-usable bags.

Councillor Shuter thought the motion was fantastic, which would concentrate the mind on this issue. Glass bottles used to be collected and recycled and the Government had recently looked at this matter. Plastic balloons in particular were especially damaging to the environment and dangerous to animals. Legislation would be used to try to tackle the problems with plastic but the message needed to be put out to help change peoples' attitudes.

Councillor Hobbs was very much in support of the motion and concurred that the markets had shown the way forward. People could buy small quantities of goods and the mini-markets were wished success.

Councillor Dupré was pleased to see that the Council was heading down this path, however the intention to ban plastics by 2042, which was a long way off, showed no ambition. This was why the action plan had been proposed to give stretch targets to aim for. The motion did not specify what the Council wanted to do, although it did talk about recycling rates. These could be substantially increased through more green waste, though it would be better for people to compost at home. The second 'blue bin' was a very good idea if it diverted more materials to recycling. More waste was being collected but the volumes not being recycled had increased by 11%, which was a significant amount. The figures for this should also be tracked, not just the 60% recycling rate targets. The motion lacked ambition but would be supported as far as it went.

Councillor Hunt disclosed that this issue had been brought up at the recent Commonwealth summit, due to concerns that the planet was suffering. Putting waste into pits could not continue and minds had to be focussed locally and nationally to deal with the problem. This was just the start of that journey and some failures could be expected but the Council had to continue to change. It would not be quick or easy to do this but this was the route that needed to be taken. The requirement for the Chief Executive to report back on progress was

a plan and modest targets should be set that could be delivered, rather than lofty unachievable targets.

Councillor Whelan revealed that only 1 in 40 disposable coffee cups were currently being recycled. It was nice to see that the Council had changed its coffee machines, which was a start. Local supermarkets were also taking action, which was good to see. Although the motion was welcomed it could have been so much better, if the proposed amendment had been included.

Councillor Bailey thought the success of the motion would be proven by its results. 2042 was a national target and the motion showed the Council was absolutely committed to purging plastics. The Council acknowledged the important role it would take to help meet the targets. This would be achieved by changing the core behaviour of the organisation.

The 'blue bin' scheme was going satisfactorily and was working well, which would help recycling rates. East Cambs Street Scene also had an enormously ambitious programme to increase those rates and would be looking at a programme of education.

The Statement of Intent set out the Council's ambition and the motion was recommended for approval.

On being put to the vote, the Motion was carried unanimously, therefore

It was resolved:

- (i) That this Council endorses the Government's "A Green Future: Our 25 Year Plan to Improve the Environment" including the commitment to achieve zero avoidable plastic waste by end of 2042.
- (ii) That the Council acknowledges it has an important part to play in meeting these ambitious targets by taking action now to act as an exemplar for public, private, voluntary bodies and individual members of the community.
- (iii) That this Council commits itself to reduce the reliance on Single – Use plastics across the District.
- (iv) The Council is committed to a 'Purge on Plastics' by 'leading from the front' by working towards the removal of all consumer single use plastics in our workplace.
- (v) That the Council will continue to make it easier for people to recycle building on the success of the second blue recycling bin.
- (vi) That the Council repeats its commitment to achieving a 60% recycling rate in our district.

- (vii) That the Council will work positively with residents and businesses in our area to promote our 'Purge on Plastics'.
- (viii) That the Council approves the Statement of Intent attached and instructs the Chief Executive to provide an Annual Statement to Council on our progress in achieving these objectives.

87. **QUESTIONS FROM MEMBERS**

No questions from Members were received.

88. **PRESENTATION – OPPORTUNITIES FUND**

Councillor Every stated that results from schools in East Cambridgeshire had been bad for a long time. Things were improving though not fast enough. Youngsters who did not achieve their best would not achieve success in later life. Educated youngsters were need to fill jobs so a Government initiative had been launched in East Cambridgeshire and Fenland, as they had been designated as an 'opportunities' area. £7 million had been allocated to raise attainment levels.

Tricia Pritchard, Chairman of the Fenland and East Cambridgeshire Opportunities Area Board, then gave a presentation and made the following comments:

- East Cambridgeshire and Fenland had been chosen due to their poor standing in the Social Mobility Index, with East Cambridgeshire 311th out of 324 and Fenland 319th.
- There was a considerable gap in attainment levels.
- £7 million had been given for a three-year period and this also would allow priority to obtain other Government funding.
- A Partnership Board would engage with a wide range of stakeholders, including school heads, employers and the National Health Service, to produce a Delivery Plan.
- Littleport Primary School had been designated as a Research School, the only Opportunity Area with one, and would receive extra support.
- The aims were to support and change the schools, raise pupils' expectations, provide equal opportunities, ensure youngsters were equipped with suitable skills and overcome the barriers to learning.
- The agenda was ambitious, with a focus on the pupils who were facing the most barriers, and input was wanted from the Council.
- A no excuse/no blame culture was attempting to be installed with a positive approach promoted.
- A number of priorities had been agreed which included accelerating the progress of disadvantaged pupils through communication, overcoming barriers to learning, supporting pupils with mental health issues, raising aspirations and fair access to learning pathways.

- East Cambridgeshire needed a long-term strategy for 6th Form provision.
- Extending the opportunities for participation in extra curricula activities would be explored.
- The best teachers needed to be retained, as this was a more acute problem in this region than elsewhere.
- The agenda was big with a lot of challenges to face with communication high on the list.
- The Council was asked for its help by spreading the word and helping change the negativity against the programme.

Councillor D Ambrose Smith asked what role school governors would play and how the programme would be tracked and evaluated. In response it was explained that school governors were key people in the process and would be consulted. The two Members of Parliament representing the area had also been hugely supportive and would be invited to take part.

Councillor Bailey thought the project was hugely exciting and raising aspirations was vital. The brightest kids were currently reluctant to put themselves forward and what was being done to encourage that? Ms Pritchard had met the students already and would continue to engage the youth, perhaps through a youth forum or board.

Councillor Beckett was pleased to hear what was happening but questioned how 6th formers in Isleham would be able to access transport, which was a big problem. In reply it was revealed that the money was ring-fenced but sustainable transport issues were being looked at.

Councillor Whelan was also pleased to see the ideas going ahead and stressed the importance of early years education, as youngsters learnt how to learn before the age of 7, so this needed to be right.

The Chairman thanked Ms Pritchard for her presentation.

*The meeting adjourned at this point, 7:02pm.
Councillor Every left the meeting at this point.*

The meeting re-convened at 7:07pm.

89. **SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES**

Council considered a report S284, previously circulated, containing items recommended from Committees and other Member bodies.

RESOURCES & FINANCE COMMITTEE – 29 MARCH 2018

Representation on Internal Drainage Boards

Councillor Brown proposed, Councillor Sharp seconded, the recommendations of the Resources and Finance Committee for approval.

Councillor Dupré asked how the Chief Executive decided who the relevant parish councils were relating to the Internal Drainage Boards (IDBs). The list of vacancies in Appendix 1 included 5 for Cawdle Fen IDB and 3 for Padnal IDB. That would be a lot of vacancies for the parish of Ely to cover. For the Swaffham IDB there was only 1 vacancy but this was covered by 5 parishes. So which parishes would be deemed relevant and how would the parishes organise representation? Why would the parish councils be asked to fill the vacancies rather than District Councillors suggesting people who might be interested?

Councillor Every returned to the meeting at this point, 7:10pm.

Councillor Dupré continued and stated her disappointment that people who had expressed an interest had not be contacted. It was pleasing that this matter was being taken more seriously than before, but it was not clear that the advantages of devolving representation to the parishes was better than nominating district councillors.

The Chief Executive explained that the relevant parishes were those that fitted in with part of the IDBs boundaries and the Swaffham map would be checked. This Council did appoint to some, but not all, of the available positions. Some covered multiple or single parishes and all would be written to and reported back to the Resources and Finance Committee, who would make the appointments.

Councillor Alderson noted that the report stated there were 3 vacancies for the Swaffham IDB but 1 was not vacant as he had been a member of it for 10 years. Councillor Dupré then asked that vacancy be confirmed. The Chief Executive confirmed the vacancy but reminded Members that Councillor Alderson could be appointed to it. The Swaffham IDB would be written to as a matter of priority to seek clarification.

It was resolved:

That in the event of any vacancies unfilled the Chief Executive be instructed to write to the relevant Parish Councils to seek nominations to the Internal Drainage Boards and report back to the Resources and Finance Committee.

90. **COMMUNITY GOVERNANCE REVIEW**

Council considered a report, S285, previously circulated, requesting a Community Governance Review be conducted.

The Electoral Services Team Leader advised the Council that the first consultation period had closed on 16th April. A number of comments had been received relating to proposals affecting Witchford, Sutton, Mepal, Witcham,

Haddenham, Wilburton, Wentworth, Ely and Little Downham. This included 2 requests from District Councillors. The final draft proposals of the Review within the report were recommended for a final consultation.

Councillor Bailey offered thanks to the Electoral Services Team Leader and her colleagues for their work on this and for the Members' seminar. They had demonstrated a forensic knowledge of the district and had picked up on the weird anomalies within it. A piece of land identified in the Local Plan absolutely belonged to Mepal parish and it was important that this was tidied up and included.

Councillor Hunt thought the Electoral Services Team Leader had done a wonderful job in discovering all the oddities in the district, which had been around for so long it was laughable. It was difficult to explain some of these situations but they had now been put right.

The Chairman also offered his appreciation for the work done on this difficult task which had been completed expertly.

It was resolved:

- (i) That the draft proposals of the Community Governance Review to be published for consultation on 20 April 2018 be approved;
- (ii) That it be noted that the consultation period had now closed for the Polling District Review and the final recommendations would be considered at Full Council in July.

91. **ACTION TAKEN BY CHIEF EXECUTIVE ON GROUNDS OF URGENCY – CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY DRAFT BORROWING STATUTORY INSTRUMENT**

Council considered a report, S286 previously circulated, giving details of the action taken by the Chief Executive on the grounds of urgency.

Councillor Dupré noted that Cambridgeshire County Council had convened a meeting to assent to the issue, whereas this Council did not. In view of consenting to, there must of have been awareness that the East Cambs Trading Company would be one of the first beneficiaries.

Councillor David Brown thought Councillor Dupré had made a good point but this had been an urgent matter. The Council's Constitution stated that this issue could be dealt with as it had, so it was up to Council to amend the Constitution if it discontent.

It was resolved:

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

92. **COMBINED AUTHORITY UPDATE REPORTS**

a. February 2018

b. March 2018

Council received reports on the activities of the Combined Authority from the Council's appointees.

The Chairman thanked Councillor Dupré for the questions submitted prior to the meeting and advised the Council that a set of responses were tabled.

It was resolved:

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

Councillor Bailey left the meeting at this point, 7:30pm.

93. **EAST CAMBS TRADING COMPANY LTD – AUTHORITY TO BORROW**

Council considered a report, S287 previously circulated, seeking to grant the East Cambs Trading Company Ltd the authority to borrow from the Cambridgeshire and Peterborough Combined Authority.

The Chief Executive advised the Council that agreement to authorise borrowing was required by the Shareholder Agreement. Securing a loan for the East Cambs Trading Company would allow it to fund the housing scheme in Haddenham and the overall Community Land Trust (CLT) programme. A significant investment in time had been spent in putting forward this proposal, which was subject to more scrutiny as it was the first. The requirements to secure the loan would not directly affect the finances of the Council. Further loans from the Combined Authority could help secure the delivering of around 1850 houses in the district.

Councillor Derrick Beckett expressed concern about the possible liability to the Council for the £6.5 million. If the projected sale of new houses fell short of the budgeted figures who would be responsible for funding the gap? How were the sales for the Stretham CLT development progressing? CLTs were a good way of providing homes for local people. The question mainly related to safeguarding the Council.

The Chief Executive explained that currently the Heads of Terms, including security of funding, were being negotiated but would not include a guarantee from the Council to the Trading Company. The Trading Company had to manage the risks for the Haddenham scheme. If the £6.5 million was exceeded the Trading Company would meet the extra costs from its existing finances, which included the loan facility from this Council.

Councillor Hunt thought there appeared to be a bit of confusion relating to the Haddenham CLT development. This money was not a grant but a cash

flow solution to get things moving. The Haddenham site had obtained planning permission so a substantial value had been added to it. The residents of Haddenham would be pleased that this money would speed things up, as they would not want it delayed.

Councillor Dupré could not support this arrangement as it was the first time Members had an opportunity to debate the level of the loans. This was a ten-fold increase and the Shareholder Committee had no chance to discuss or consider the matter, particularly as its last meeting had been cancelled. The level of risk and indebtedness were most important factors and the Council had to have a measure of control. A chance to discuss about the debt and how big the Trading Company wanted to get had been thrown away.

The second recommendation in the report would mean that 1 officer and 1 Councillor could take on unlimited debt without reference to Council or Members. This was an absolute abnegation of the Shareholder Committee's responsibilities. This was not about the details of the Haddenham arrangements but about Council monitoring and control. Therefore, the recommendations could not be supported.

Councillor Hugo reminded the Members that the Council was supposed to have a 'can do' attitude. CLTs were the flagships for providing housing for local people. Other CLTs needed to be developed in alignment with the Combined Authority. The alternative to this loan would be a commercial loan which would be much more expensive. The Haddenham Board consisted of Conservatives, Liberal Democrats and Independent Members who were all totally committed to completing this development.

The Chief Executive asked the Council to approve the £6.5 million loan and further loans, including the proposed £40 million, which would still be dependent on a number of factors and only related to loans from the Combined Authority.

Councillor Sharp clarified that the Council was only there as a lender and would not be giving a grant. This borrowing was to help the building of homes. The concerns of Councillor Beckett were understood but the Overview and Scrutiny Committee of the Combined Authority had debated the issue and accepted it was a risk. The recommendations were worth supporting.

Councillor Brown expected that the Combined Authority would not be willing to take on unlimited loans and would look at other organisations pitching for their money.

It was resolved:

- (i) That the East Cambs Trading Company Ltd be authorised to enter into a loan agreement with the Cambridgeshire and Peterborough Combined Authority as detailed in Appendix 1;

- (ii) That the Section 151 Officer, in consultation with the Chairman of Resources and Finance Committee, be authorised to authorise the East Cambs Trading Company Ltd to enter into further loan agreements with the Cambridgeshire and Peterborough Combined Authority, specifically in relation to the Strategic Community Land Trust Programme.

94. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of public were present during the item there would be disclosure to them of exempt information of Category 1, 2 & 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

95. **SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES**

Council considered an Exempt report S288, previously circulated, containing items recommended from Committees and other Member bodies.

Mepal Outdoor Centre Working Party

Councillor Hunt explained the work of the Working Party in relation to making the Mepal Outdoor Centre operational again. The facility had been loved by children but had fallen into disrepair and had suffered vandalism. It was costing the Council money to maintain it so it had been decided to find a solution. The Working Party had been through the process and now presented its recommendation to Council and asked for its support.

Councillor Bailey thanked the Working Party and officers involved who had come up with good proposals. This was hugely exciting as the Outdoor Centre could be a fantastic facility. The Chairman added his thanks for all the hard work done.

It was resolved:

That the recommendation of the Mepal Outdoor Centre Working Party be approved.

The meeting concluded at 7.58pm.

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

Committee: Annual Council

Date: 24 May 2018

Author: Democratic Services Manager

[T1]

1.0 **ISSUE**

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

2.0 **RECOMMENDATION**

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

3.0 **BACKGROUND**

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

Conservative

Charles Roberts (Leader)
Anna Bailey (Deputy)

Liberal Democrat

Lorna Dupré (Leader)
Sue Austen (Deputy)

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

Background Documents

None

Location

Room 214B
The Grange
Ely

Contact Officer

Tracy Couper
Democratic Services Manager
(01353) 665555
E-mail:

tracy.couper@eastcambs.gov.uk

POLITICAL PROPORTIONALITY

Committee: Annual Council

Date: 24 May 2018

Author: Democratic Services Manager

[T2]

1.0 **ISSUE**

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

2.0 **RECOMMENDATION(S)**

2.1 That Council notes the details of the political balance of the Council as set out in Appendix 1 and approves the allocation of seats on Committees, Sub-Committees and other Member Bodies as set out in Appendix 2 (requiring a Nem Con vote), or agrees an alternative (on a Nem Con basis, if necessary).

3.0 **BACKGROUND**

3.1 Attached at Appendix 1 is a table showing the allocation of places on Committees, Sub-Committees and other Member Bodies in accordance with the requirements of the proportionality rules. Under Section 15(5)(a) of the Local Government and Housing Act 1989 (see below), all seats on a Committee/Sub-Committee cannot be allocated to the same Political Group. This means that since the Council now has only two constituted Political Groups (the Conservative and Liberal Democrat Groups), the Liberal Democrat Group must have one seat on each Committee/Sub-Committee.

3.2 Group Leaders have been advised of the number of places available on each Committee to be filled by their Groups, and of any necessary adjustments to be made between the political Groups in their overall seat allocations.

3.3 In 2017/18, the Conservative Group Leader provided a seat from the Conservative Group allocation on Planning Committee and Resources and Finance Hearings Sub-Committee to accommodate Councillor Beckett as the only Independent unaligned Councillor. If this arrangement is to continue in 2018/19, it will require a Nem Con vote as an alternative arrangement to the proportionality calculations. Therefore, Appendix 2 shows the proposed allocation of places on Committees/Sub-Committees if this arrangement was to continue in 2018/19.

3.4 At the Annual Council meeting held on 14 May 2013, the dissolution of the Council's Scrutiny Committee was approved. Similarly, the revised Committee

structures approved by the Council on 15 April 2014 and 11 April 2017 did not include a Scrutiny Committee.

3.5 Agenda Item 13 deals with the appointments to be made to fill those places on Committees and other Member bodies.

4.0 THE LOCAL GOVERNMENT AND HOUSING ACT 1989

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

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

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

5.0 FINANCIAL IMPLICATIONS

5.1 None arising from this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Local Government and Housing Act 1989 (Section 15) Local Government (Committees and Political Groups) Regulations 1990	Room 214B The Grange Ely	Tracy Couper Democratic Services Manager (01353) 665555 E-mail: tracy.couper@eastcambs.gov.uk

POLITICAL PROPORTIONALITY

38 Members aligned to Political Groups

1 Independent (unaligned Councillor)

38 aligned Members – 75 seats 1 Member = 1.974 seats

APPENDIX 1

PARTY	NO. OF COUNCILLORS	PROPORTION OF TOTAL
Conservative	35	92.105%
Liberal Democrat	3	7.895%
	38	100%

BODY	TOTAL MEMBERS ON BODY	CONSERVATIVE [proportion of seats: 92.105%]		LIBERAL DEMOCRAT [proportion of seats: 7.895%]	
Full Council	39 (38 & 1 unaligned Cllr)	35	35	3	3
Community Services	9	8	8.289	1	0.711
Resources & Finance	9	8	8.289	1	0.711
Regulatory Services	9	8	8.289	1	0.711
Asset Development	7	6	6.447	1	0.553
Others:					
Licensing	11	10	10.132	1	0.868
Planning	11	10	10.132	1	0.868
Shareholder	7	6	6.447	1	0.868
R&F Hearings Sub-Cttee	7	6	6.447	1	0.553
Licensing Sub-Cttee	5	4	(4.605)	1	(0.395)
Total Seats on ordinary committees under strict proportionality	75	66	(69.079)	9	(5.921)
Total Seats	75	66		9	

Notes:

At the Annual Council meeting on 25 May 2017, the Conservative Group Leader provided a seat from the Conservative Group allocation on Planning Committee and Resources and Finance Hearings Sub-Committee to accommodate Councillor Beckett as the only Independent unaligned Councillor on a Nem Con vote as an alternative arrangement to the proportionality calculations.

Proportionality does not apply to Anglia Revenues Partnership Joint Committee and previously it has been agreed by a Nem Con vote that proportionality should not be applied to Personnel Appeals Sub-Committee. The following allocations were agreed as a result of discussions by Group Leaders for 2017/18:

	Total Members on Body	Conservative	Liberal Democrat	Independent
Anglia Revenues Partnership Joint Committee	1	1	0	0
Personnel Appeals Sub- Committee	3	2	1	0

POLITICAL PROPORTIONALITY

38 Members aligned to Political Groups

1 Independent (unaligned Councillor)

38 aligned Members – 75 seats 1 Member = 1.974 seats

APPENDIX 2

PARTY	NO. OF COUNCILLORS	PROPORTION OF TOTAL
Conservative	35	92.105%
Liberal Democrat	3	7.895%
	38	100%

BODY	TOTAL MEMBERS ON BODY	CONSERVATIVE [proportion of seats: 92.105%]		LIBERAL DEMOCRAT [proportion of seats: 7.895%]		INDEPENDENT (unaligned Cllr)	
Full Council	39 (38 & 1 unaligned Cllr)	35	35	3	3	1	1
Community Services	9	8	8.289	1	0.711	0	0
Resources & Finance	9	8	8.289	1	0.711	0	0
Regulatory Services	9	8	8.289	1	0.711	0	0
Asset Development	7	6	6.447	1	0.553	0	0
Others:							
Licensing	11	10	10.132	1	0.868	0	0
Planning	11	9	(10.132)	1	0.868	1	0
Shareholder	7	6	6.447	1	0.868	0	0
R&F Hearings Sub-Cttee	7	5	(6.447)	1	0.553	1	0
Licensing Sub-Cttee	5	4	(4.605)	1	(0.395)	0	0
Total Seats on ordinary committees under strict proportionality	75	66	(69.079)	9	(5.921)	-	-
Total Seats	75	64		9		2	

Notes:

At the Annual Council meeting on 25 May 2017, the Conservative Group Leader provided a seat from the Conservative Group allocation on Planning Committee and Resources and Finance Hearings Sub-Committee to accommodate Councillor Beckett as the only Independent unaligned Councillor on a Nem Con vote as an alternative arrangement to the proportionality calculations.

Proportionality does not apply to Anglia Revenues Partnership Joint Committee and previously it has been agreed by a Nem Con vote that proportionality should not be applied to Personnel Appeals Sub-Committee. The following allocations were agreed as a result of discussions by Group Leaders for 2017/18:

	Total Members on Body	Conservative	Liberal Democrat	Independent
Anglia Revenues Partnership Joint Committee	1	1	0	0
Personnel Appeals Sub- Committee	3	2	1	0

MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES (INCLUDING SUBSTITUTES) AND OTHER MEMBER BODIES 2018/19

To: Annual Council

Date: 24 May 2018

Author: Democratic Services Manager

[T3]

1.0 **ISSUE**

1.1 To consider the appointment of Members and substitutes to Committees, Sub-Committees and to other Member bodies for 2018/19.

2.0 **RECOMMENDATION**

2.1 That Council approves the membership of Committees, Sub-Committees and other Member bodies for 2018/19.

3.0 **BACKGROUND**

3.1 A list of Committees, Sub-Committees and other Member bodies for 2018/19 is set out in Appendix 1. A number of Sub-Committees and other informal Member bodies were set up in 2015/16 by the relevant Committees and those continuing in 2018/19 will be re-appointed to at the 'mini meetings' of Committees that follow this Council meeting.

3.2 Group Leaders have been advised of the number of places available to be filled by their respective Groups on each body under the rules relating to proportionality (see also Agenda Item 12). The details of the proposed membership of Committees, Sub-Committees and other Member bodies for 2018/19 are shown in Appendix 1. The Conservative Group are continuing with the arrangement to provide seat(s) from their allocation to Councillor Beckett as the only Independent Unaligned Councillor.

4.0 **APPENDICES**

4.1 Appendix 1 - List of Membership of Committees, Sub-Committees and other Member bodies for 2018/19.

Background Documents

Location

Contact Officer

ECDC Constitution

Room 214B
The Grange
Ely

Tracy Couper
Democratic Services Manager
(01353) 665555
E-mail:
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COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2018/19

COMMUNITY SERVICES COMMITTEE (9) 8:1 and up to 3 Subs	RESOURCES AND FINANCE COMMITTEE (9) 8:1 and up to 3 Subs	REGULATORY SERVICES COMMITTEE (9) 8:1 and up to 3 Subs	ASSET DEVELOPMENT COMMITTEE (7) 6:1 and up to 3 Subs
<p><u>CONSERVATIVE</u> Allen Alderson Christine Ambrose Smith David Ambrose Smith Lavinia Edwards Lis Every Mark Hugo Dan Schumann Stuart Smith</p> <p><u>Substitutes:</u> Andy Pearson Hamish Ross Jo Webber</p>	<p><u>CONSERVATIVE</u> David Ambrose Smith Ian Bovingdon Mike Bradley David Brown Steve Cheetham Mark Goldsack Chris Morris Alan Sharp</p> <p><u>Substitutes:</u> Allen Alderson Christine Ambrose Smith Jo Webber</p>	<p><u>CONSERVATIVE</u> Anna Bailey Elaine Griffin-Singh Neil Hitchin Julia Huffer Chris Morris Hamish Ross Carol Sennitt Jo Webber</p> <p><u>Substitutes:</u> David Ambrose Smith Mike Bradley Stuart Smith</p>	<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Ambrose Smith Paul Cox Bill Hunt Mathew Shuter Lisa Stubbs</p> <p><u>Substitutes:</u> Ian Bovingdon Lis Every Mike Rouse</p>
<p><u>LIB DEM</u> Christine Whelan (Spokesperson)</p> <p><u>Substitutes:</u> Sue Austen Lorna Dupré</p>	<p><u>LIB DEM</u> Lorna Dupré (Spokesperson)</p> <p><u>Substitutes:</u> Sue Austen Christine Whelan</p>	<p><u>LIB DEM</u> Sue Austen (Spokesperson)</p> <p><u>Substitutes:</u> Lorna Dupré Christine Whelan</p>	<p><u>LIB DEM</u> Lorna Dupré (Spokesperson)</p> <p><u>Substitutes:</u> Sue Austen Christine Whelan</p>
<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u></p>	<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u> none</p>	<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u></p>	<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u></p>

COMMITTEES, SUB-COMMITTEES AND OTHER MEMBER BODIES 2018/19

<p>PLANNING COMMITTEE (11) 9:1:1 and up to 3 Subs</p>	<p>LICENSING COMMITTEE (11) 10:1 and no subs</p>	<p>SHAREHOLDER COMMITTEE (7) 6:1 and up to 3 Subs</p>	<p>ANGLIA REVENUES PARTNERSHIP JOINT COMMITTEE (1) [22/10/15] 1:0 and 2 Subs</p>
<p><u>CONSERVATIVE</u> Christine Ambrose Smith David Chaplin Paul Cox Lavinia Edwards Mark Goldsack Bill Hunt Mike Rouse Josh Schumann Stuart Smith</p> <p><u>Substitutes:</u> Elaine Griffin-Singh Neil Hitchin Lisa Stubbs</p>	<p><u>CONSERVATIVE</u> Michael Allan Mike Bradley Paul Cox Elaine Griffin-Singh Neil Hitchin Julia Huffer Chris Morris Carol Sennitt Alan Sharp Stuart Smith</p> <p><u>Substitutes:</u> none</p>	<p><u>CONSERVATIVE</u> Mike Bradley David Brown David Chaplin Steve Cheetham Richard Hobbs Alan Sharp</p> <p><u>Substitutes:</u> Lis Every Chris Morris Mathew Shuter</p>	<p><u>CONSERVATIVE</u> David Ambrose Smith</p> <p><u>Substitutes:</u> Lis Every Julia Huffer</p>
<p><u>LIB DEM</u> Sue Austen (Spokesperson)</p> <p><u>Substitutes:</u> Lorna Dupré Christine Whelan</p>	<p><u>LIB DEM</u> Sue Austen (Spokesperson)</p> <p><u>Substitutes:</u> none</p>	<p><u>LIB DEM</u> Lorna Dupré (Spokesperson)</p> <p><u>Substitutes:</u> Sue Austen Christine Whelan</p>	<p><u>LIB DEM</u> None</p> <p><u>Substitutes:</u></p>
<p><u>INDEPENDENT</u> Derrick Beckett</p> <p><u>Substitutes:</u> none</p>	<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u></p>	<p><u>INDEPENDENT</u></p> <p><u>Substitutes:</u></p>	<p><u>INDEPENDENT</u> None</p> <p><u>Substitutes:</u></p>

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

LOCAL GOVERNMENT, ENGLAND

**The Cambridgeshire and Peterborough Combined Authority
(Business Rate Supplements Functions) Order 2018**

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 105A, 107D(1), (5) and (7)(a) to (e) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).

In accordance with sections 105B(1) and 107D(9) of the 2009 Act, the county council and district councils whose areas are comprised in the area of the Cambridgeshire and Peterborough Combined Authority, the Cambridgeshire and Peterborough Combined Authority and the Mayor of the Cambridgeshire and Peterborough Combined Authority have consented to the making of this Order.

The Secretary of State considers that the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

(a) 2009 c.20. Section 105 was amended by the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”), sections 6, 9 and 14. Sections 105A and 107D were inserted by sections 4 and 7 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.

PART 1

General

Citation and commencement

1. This Order may be cited as the Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Functions) Order 2018 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the BRS Act” means the Business Rate Supplements Act 2009(a);

“the CPCA” means the Cambridgeshire and Peterborough Combined Authority(b).

PART 2

Business Rate Supplements Functions

Conferral of BRS power of Greater London Authority

3.—(1) The CPCA has, in relation to its area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act.

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRS Act.

General functions of the Combined Authority exercisable only by the Mayor

4.—(1) The functions of the CPCA specified in article 3 are exercisable only by the Mayor(c).

(2) The members or officers of the CPCA may assist the Mayor in the exercise of the functions specified in article 3.

(3) For the purposes of the exercise of the functions specified in article 3 the Mayor may do anything that the CPCA may do under section 113A of the 2009 Act (general power of EPB or combined authority)(d).

Adaptation of BRS Act in consequence of article 3

5. For the purposes of article 3, the BRS Act applies to the CPCA as if —

(a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act include references to the CPCA;

(b) subject to paragraph (c), references in that Act to a lower-tier authority include references to a district council whose area forms part of the CPCA’s area;

(a) 2009 c. 7, as amended by Part 4 of the Localism Act 2011 (c. 20).

(b) The Cambridgeshire and Peterborough Combined Authority was established by the Cambridgeshire and Peterborough Combined Authority Order 2017, S.I. 2017/251.

(c) S.I. 2017/251, article 5, provided for there to be a mayor of the combined authority. The first mayor was elected on 4th May 2017.

(d) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

- (c) reference to a lower-tier authority in section 6(1)(b) includes reference to a district council whose area forms part of the CPCA's area and to Cambridgeshire County Council.

Amendment of the Cambridgeshire and Peterborough Combined Authority Order 2017

6.—(1) The Cambridgeshire and Peterborough Combined Authority Order 2017 is amended as follows.

(2) In paragraph (2) of article 6 after “article 12(1)” insert “and the functions conferred on the combined authority by article 3 of the Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Functions) Order 2018”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions the Greater London Authority has under the Business Rate Supplements Act 2009 (“the BRS Act”) on the Cambridgeshire and Peterborough Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions in their area.

Article 3 of the Order provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the BRS Act to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Article 4 provides that the functions are exercisable only by the Mayor, that the Mayor may be assisted by members or officers of the authority in the exercise of the functions and that the general power of the combined authority under section 113A of the 2009 Act is conferred on the Mayor for the purposes of those functions.

Article 5 provides for modification of the Business Rate Supplements 2009.

Article 6 amends the Cambridgeshire and Peterborough Combined Authority Order 2017 to provide that the BRS functions of the combined authority will be funded in accordance with the arrangements specified in article 6 of that Order.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. 0000

LOCAL GOVERNMENT, ENGLAND

EDUCATION, ENGLAND

The Cambridgeshire and Peterborough Combined Authority
(Adult Education Functions) Order 2018

Made - - - - *****

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 105A, 114 and 117 of the Local Democracy, Economic Development and Construction Act 2009(a)(“the Local Democracy Act”).

In accordance with section 105B(1) of the Local Democracy Act(b), the Cambridgeshire and Peterborough Combined Authority and each of the constituent councils whose areas are within the area of the Combined Authority has consented to the making of this Order.

The Secretary of State considers that the making of this Order is likely to improve the exercise of statutory functions in the areas to which the Order relates.

In accordance with section 105B(9) of the Local Democracy Act, the Secretary of State has laid before Parliament a report explaining the effect of this Order and explaining why the Secretary of State considers it appropriate to make this Order.

A draft of this statutory instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117 of the Local Democracy Act.

(a) 2009 c. 20. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c.1). Section 114 was amended by Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 117 was amended by section 13 of the Localism Act 2011 (c. 20) and by section 23 of, and paragraph 29 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(b) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016.

PART 1

General

1. Citation and commencement

- (1) This Order may be cited as the Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 and comes into force the day after the day it is made.
- (2) Part 2 of this Order does not apply in relation to an academic year before the year beginning on 1 August 2019.
- (3) “Academic year” means a period beginning with 1 August and ending with the next 31 July.

2. Interpretation

In this Order—

“**2009 Act**” means the Apprenticeships, Skills, Children and Learning Act 2009(a);

“**adult detention**” has the meaning given by section 121(4) of the 2009 Act;

“**apprenticeships training**” has the meaning given by section 83 of the 2009 Act;

“**Area**” means the area of the Combined Authority;

“**Combined Authority**” means the Cambridgeshire and Peterborough Combined Authority, a body corporate established under the Cambridgeshire and Peterborough Combined Authority Order 2017 No. 251; and

“**constituent councils**” means Cambridge City Council, Cambridgeshire County Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council, South Cambridgeshire District Council and Greater Cambridge Greater Peterborough Local Enterprise Partnership

PART 2

Adult education functions of the Secretary of State transferred to the Combined Authority or to be exercisable concurrently with the Combined Authority

3. Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area

- (1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the 2009 Act are exercisable by the Combined Authority in relation to the Area:
 - (a) section 86 (education and training for persons aged 19 or over);
 - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities); and
 - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(b).

(a) 2009, c. 22

(b) As amended by section 114 of the Digital Economy Act 2017 c.30. The amendment will come into force on a date to be appointed.

(2)The functions mentioned in paragraph (1) do not include:

- (a) any functions relating to apprenticeship training;
- (b) any functions relating to persons subject to adult detention; or
- (c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

4. Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area

(1) Subject to paragraph (2), the functions of the Secretary of State set out in section 90 of the 2009 Act (encouragement of education and training for persons aged 19 or over) are exercisable by the Combined Authority in relation to the Area.

(2)The functions mentioned in paragraph (1) do not include:

- (a) any function relating to apprenticeships training; or
- (b) any functions relating to persons subject to adult detention; or

(3)The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

5. Conditions on the exercise of functions mentioned in Articles 3 and 4

(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it secures the provision of financial resources under section 100 of the 2009 Act in accordance with any direction which may be given by the Secretary of State.

(2) In exercising the functions mentioned in articles 3 and 4, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time).

6. Application of the provisions of the 2009 Act

(1) This article has effect in consequence of articles 3 and 4.

(2) For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 3 and 4, section 86 to 88, 90, 100, 101, 115 and 121 of the 2009 Act apply to the Combined Authority with the modifications set out in the Schedule.

PART 3

Miscellaneous

7. Amendment to the 2009 Act

(1) Section 100 of the 2009 Act is amended as follows.

After subsection (5) insert:

“(6) The Secretary of State may secure the provision of financial resources to any of the persons mentioned in subsection (1) in respect of functions within the Secretary of State’s remit under this Part which have been transferred to a combined authority.

(7) In subsection (6) “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

(2) Section 122 of the 2009 Act is amended as follows.

(a) In subsection (3), after sub-paragraph (g) insert:

“(h) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

(i) a person providing services to the Combined Authority.”

(b) In subsection (5):

(i) in subparagraph (ba) omit “or”;

(ii) in subparagraph (c) after “in England,” insert “or”;

(iii) after subsection (c) insert:

“(d) any function of the combined authority under Part 4 that is exercisable by it by virtue of an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009.”

8. Amendment to the Education and Inspection Act 2006

The Education and Inspections Act 2006 is amended as follows.

In section 123:

(a) after subparagraph (e), insert:

“(ea) further education for persons aged 19 or over which is wholly or partly funded by a combined authority in England;”;

(b) after paragraph (4), insert:

“(5) In this section “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

9. Amendment to the Education (Fees and Awards) Regulations 2007

The Education (Fees and Awards) Regulations 2007(a) are amended as follows.

After regulation 9 insert:

“(9A) Payments by a Combined Authority

(1) It shall be lawful for a combined authority to adopt rules of eligibility for awards by an institution to which the combined authority provides financial resources under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 which confine eligibility to those persons who fall within Schedule 1.

(a) SI 2007/779

(2) It shall be lawful for an institution to which a combined authority provides financial resources to adopt rules of eligibility for awards (however described) which confine eligibility to those persons who fall within Schedule 1.

(3) In this regulation, a “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 (“the Local Democracy Act”) exercising functions under Part 4 of the Apprenticeships, Skills, Children and Learning Act 2009 that are exercisable by it by virtue of an order under section 105A of the Local Democracy Act.”

Signatory text

	<i>Name</i>
Address	Parliamentary Under Secretary of State
Date	Department

SCHEDULE

Article 6(2)

Modification of provisions of the 2009 Act in their application to the Combined Authority

- (1) Section 86 of the 2009 Act has effect as if:
- (a) in subsection (1), for each reference to “Secretary of State” there was substituted a reference to the “Combined Authority”;
 - (b) subsection (1)(b) was omitted;
 - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted the words “paragraph (a)”;
 - (d) in subsection (2), the words “83A or” were omitted;
 - (e) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
 - (f) in subsection (6), paragraph (c) was omitted;
 - (g) in subsection (7), the words “or (b)” were omitted.
- (2) Section 87 has effect as if for every reference to “Secretary of State”, there was substituted a reference to the “Combined Authority”.
- (3) Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there was substituted a reference to the “Combined Authority”.
- (4) Section 90 has effect as if:
- (a) in subsection (1), for the first reference to “Secretary of State”, there was substituted a reference to “Combined Authority”;
 - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted the words “section 86(1)(a)”.
 - (c) in subsections (1)(a), (b) and (c) for every reference to “within the Secretary of State’s remit” there was substituted a reference to “within the Combined Authority’s remit”.
- (5) Section 100 has effect as if:
- (a) in subsection (1) for the reference to “Secretary of State” there was substituted a reference to the “Combined Authority”;
 - (b) in subsection (1)(a) for the reference to “Secretary of State’s remit” there was substituted a reference to “Combined Authority’s remit”;
 - (c) subsection (1)(h) was omitted;
 - (d) in subsection (3),
 - (i) for each reference to “Secretary of State” there was substituted a reference to “Combined Authority”;
 - (ii) the words “(1A) or (1B)” were omitted;
 - (e) In subsection (4)

- (i) for the reference to “Secretary of State” there was substituted a reference to “Combined Authority”;
- (ii) the words “ (1A) or (1B)” were omitted.

(6) Section 101 has effect as if for every reference to “Secretary of State” there was substituted a reference to “Combined Authority”.

(7) Section 115 has effect as if:

- (a) for the reference to “Secretary of State”, there was substituted a reference to the “Combined Authority”;
- (b) in subsection (2)(a), the word “ and” was omitted; and
- (c) subsection (2)(b) was omitted.

(8) Section 121 has effect as if:

- (a) in subsection (2):
 - (i) for the reference to “Secretary of State’s remit”, there was substituted a reference to “Combined Authority’s remit”; and
 - (ii) in paragraph (a), the words “or (b)” were omitted.
- (b) in subsection (3)—
 - (i) for the reference to “Secretary of State’s remit”, was substituted a reference to “Combined Authority’s remit”;
 - (ii) paragraphs (a) and (aa) were omitted; and
 - (iii) in each of paragraphs (b) and (c), after “86(1)(c)”, the following words were added “(except so far as relating to persons who are subject to adult detention)”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of certain adult education functions of the Secretary of State under the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”) on the Cambridgeshire and Peterborough Combined Authority (**‘the Combined Authority’**).

Part 2 of the Order provides for the transfer to the Combined Authority of adult education functions under section 86 to 88 of the 2009 Act, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

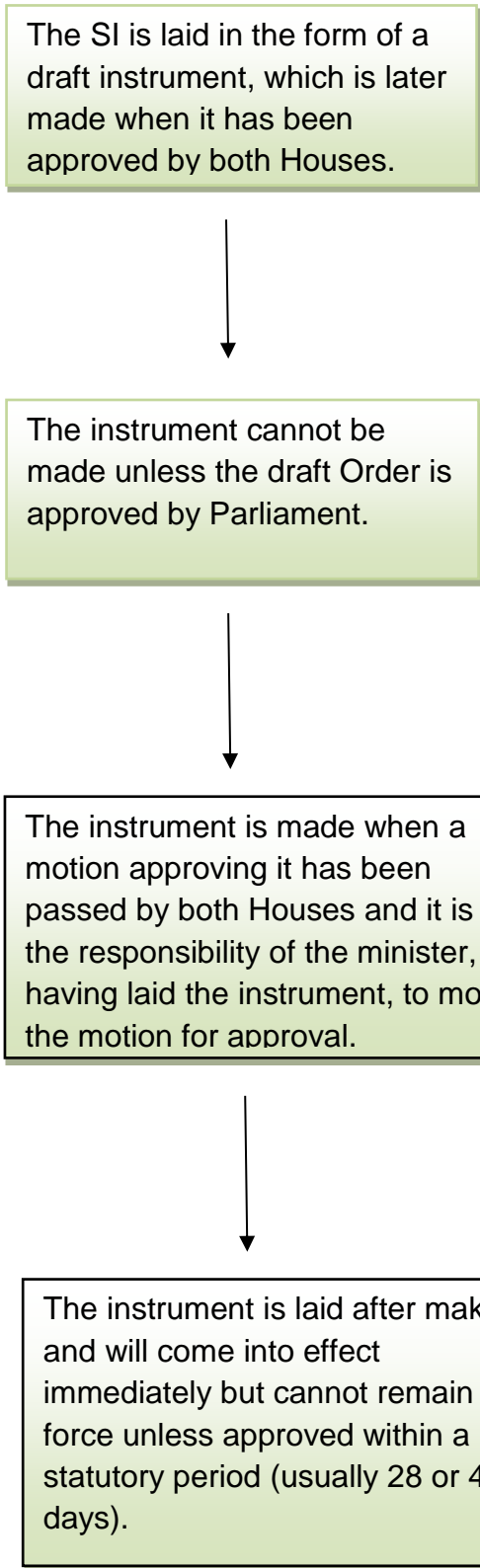
Part 2 also provides for the functions of the Secretary of State under section 90 of the 2009 Act, which relate to the encouragement of education and training for persons aged 19 or over, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 5 contains conditions on the exercise of the functions mentioned in Articles 3 and 4. The Combined Authority must adopt rules of eligibility for awards by an institution to which it secures

financial resources under section 100 of the 2009 Act in accordance with the Secretary of State's direction. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time).

Part 3 makes various amendments to primary legislation. Article 7 amends section 100 of the 2009 Act (provision of financial resources) so as provide that the Secretary of State may secure the provision of financial resources under that section notwithstanding a transfer of functions under to a combined authority. Article 8 amends section 122 of the 2009 Act (sharing of information for education or training purposes) so as to make provision for information sharing following a transfer of functions. Article 9 amends section 123 of the Education and Inspections Act 2006 so as to make provision for inspections in relation to further education for persons aged 19 or over which is wholly or partly funded by a combined authority. Article 10 amends the Education (Fees and Awards) Regulations 2007 so as to make provision with respect to rules of eligibility adopted by a combined authority for awards by an institution to which it provides financial resources under section 100 of the 2009 Act.

APPENDIX 3 - Affirmative Resolution Procedure:



**CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY –
CONSENT TO BUSINESS RATES ORDER AND DEVOLUTION OF THE ADULT
EDUCATION BUDGET**

Committee: Council

Date: 24 May 2018

Author: Chief Executive

[T4a]

1.0 ISSUE

1.1 Approvals to enable the transfer of functions to the Cambridgeshire and Peterborough Combined Authority (“CPCA”) in relation to Business Rates Supplement Order and the Adult Education Budget (“AEB”).

2.0 RECOMMENDATIONS

2.1 Members are requested to:

- (i) approve the transfer of functions to the CPCA conferred by the Business Rates Supplement Act 2009;
- (ii) approve the transfer of functions to the CPCA to enable the devolution of the AEB;
- (iii) give consent on behalf of the CPCA to the making of Orders to give effect to the transfer of functions as outlined in 2.1 (Paragraphs (i) (ii)); and
- (iv) authorise the Chief Executive and Legal Services Manager/Monitoring Officer, in consultation with the Leader of the Council, to approve the final draft order to meet the timetable for the transfer.

3.0 BACKGROUND/OPTIONS

3.1 The Cambridgeshire and Peterborough Devolution deal agreed by Council on 28 June 2016 (ref Agenda Item No. 5) included specific provisions related to:-

- Authority to the Mayor to place a supplement on business rates to fund infrastructure, with the agreement of the local business community;
- The transfer of the AEB to the CPCA (and other adult education powers later specified in the subsequent order).

Each constituent authority have been requested to give their consent to the making of the necessary Orders giving effect to these transfers, including the necessary delegation to approve the final draft Orders. .

3.2 The draft orders are attached as Appendix 1 and 2. It is noted that only the draft Orders can be approved, as the Orders cannot be deemed finalised until they have been presented to and approved by Parliament. A flowchart is attached at Appendix 3 which outlines the affirmative resolution procedure needed to take the legislation through Parliament.

3.3 The key features of the proposed legislation are summarised below, specifically:-

3.3.1 **BUSINESS RATES SUPPLEMENTS ACT 2009 (enabled by the proposed order)**

- (i) Money raised from the supplement cannot be put towards the authority's day-to-day costs for services it has existing obligations to provide.
- (ii) Before levying any supplement, the Mayor would be required to consult on and publish a prospectus setting out the benefits of the proposed project that the supplement would fund.
- (iii) The proposed supplement is then subject to a ballot of businesses that would be affected. Both a majority of affected individual rate-payers must approve it and the aggregate rateable value of those businesses in favour must exceed those against.
- (iv) The Business Rate Supplement may only be levied on business properties with a rateable value of £50,000 or more. The Mayor may increase, but cannot reduce, this threshold, and can apply any other reliefs as may be set out in the prospectus.

3.3.2 **DEVOLUTION OF ADULT EDUCATION BUDGET (AEB)**

The Adult Education Budget (AEB) is an element of national skills funding that is provided to equip adults over the age of 19 with the skills and learning they need for work or further learning. This includes provision for statutory entitlements such as first full level 2 qualifications; and maths and English qualifications.

The principal purpose of AEB is to engage adults in learning that supports wider economic and social priorities and in turn, delivers sustained job outcomes, productivity and economic growth.

Devolution of AEB will only be applied within constituent member areas and will allow the CPCA to control adult education services to help local people obtain the skills they need. The indicative budget will be approximately £12.1m from 2019 based on current spend on residents.

The Order, to be received in draft by CPCA, will set out the details of the AEB functions that will be transferred to the CPCA with the agreement to devolve the budget. DoE have been clear that the Order will not cover apprenticeships, adult offender learning or provision for people aged 16 – 18. Subject to these exceptions, it is proposed that the following functions contained in the Apprenticeships, Skills, Children and Learning Act (ASCAL) 2009 will transfer to the CPCA in relation to constituent member areas:

- (i) S86 – Duty to provide appropriate FE to learners aged 19 and over (not to include apprenticeships, prisoner education or traineeships);

- (ii) S87 – Duty to provide appropriate FE to learners aged 19 and over, who do not have certain specified qualifications;
- (iii) S88 – Duty to ensure that provision is free for relevant learners who do not have certain specified qualifications.

The following powers will be exercised concurrently with the Secretary of State:

- (iv) S90 – Duty to encourage learner and employer participation in education and training if people aged 19 and over (except those in adult detention) (to be exercised concurrently with the Secretary of State).
- (v) S115 – Duty to consider/have regard to the needs of learners aged 19 and over, with Special Education Needs (other than those aged 19-25 with Educational Health Care plans, who will remain the responsibility of the LAs as they are treated as 16-18 year old learners).
- (vi) S122 – Power to exchange information with providers to enable provision of FE to learners aged 19 and over (to be exercised concurrently with the Secretary of State).

4.0 ARGUMENT/CONCLUSIONS

4.1 The consents detailed in Paragraphs 2.1(i) to (iv) will enable further implementation of the agreed Devolution deal.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implications or a requirement for an equality impact assessment for this Council at this stage.

6.0 APPENDICES

Appendix 1- The Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Functions) Order 2018 (Draft)

Appendix 2 - The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (Draft)

Appendix 3 – Affirmative Resolution Procedure.

Background Documents

Special Council – Agenda &
Appendices 3 and 4 and minutes
– 28 June 2016

Location

Room 103
The Grange
Ely

Contact Officer

John Hill
Chief Executive
(01353) 616271
E-mail: john.hill@eastcambs.gov.uk

Overview and Scrutiny Committee of 14
POLITICAL BALANCE ACROSS THE COUNTY as at 4 May 2018

	Total	Vacancy	Conserv.	Labour	Putting St Neots First	Independent	Werringt on First	Liberal Party	Liberal Democrats	Green	UKIP	Tota l	Entitlement
CAMBRIDGESHIRE	2	0	36	7	2	2	0	0	14	0	0	61	1 Conserv. 1 Lib Dem
PETERBOROUGH	2	0	31	14	0	2	3	1	7	1	1	60	1 Conserv. 1 Labour
HUNTINGDONSHIRE	2	0	30	4	6	5	0	0	7	0	0	52	1 Conserv, 1 Independ.
EAST CAMBS	2	0	35	0	0	1	0	0	3	0	0	39	2 Conserv.
SOUTH CAMBS	2	0	11	2	0	2	0	0	30	0	0	45	1 Conserv, 1 Lib Dem
CAMBRIDGE CITY	2	0	0	26	0	2	0	0	13	1	0	42	1 Labour 1 Lib Dem
FENLAND	2	0	34	0	0	3	0	0	2	0	0	39	2 Conserv.
TOTAL		0	177	53	8	16	3	1	77	2	1	338	
POLITICAL BALANCE %			52.37	15.68	2.37	5.03	0.89	0.30	22.49	0.59	0.30	100. 00	
Seat allocation May 2018			8	2	0	1	0	0	3	0	0	14	
Committee seat allocation	14		7.33	2.20	0.33	0.70	0.12	0.04	3.15	0.08	0.04	14.0 0	

Audit and Governance Committee of 7
POLITICAL BALANCE ACROSS THE COUNTY as at 4 May 2018

	Total	Vacancy	Conserv.	Labour	Putting St Neots First	Independ ent	Werrington First	Liberal Party	Liberal Democ.	Green	UKIP	Tota l	Entitleme nt
CAMBRIDGESHIRE	1	0	36	7	2	2	0	0	14	0	0	61	1 Liberal Democ
PETERBOROUGH	1	0	31	14	0	2	3	1	7	1	1	60	1 Conserv.
HUNTINGDONSHIRE	1	0	30	4	6	5	0	0	7	0	0	52	1 Conserv
EAST CAMBS	1	0	35	0	0	1	0	0	3	0	0	39	1 Conserv
SOUTH CAMBS tbc	1	0	11	2	0	2	0	0	30	0	0	45	1 Lib Dem.
CAMBRIDGE CITY	1	0	0	26	0	2	0	0	13	1	0	42	1 Labour
FENLAND	1	0	34	0	0	3	0	0	2	0	0	39	1 Conserv
TOTAL		0	177	53	8	17	3	1	76	2	1	338	
POLITICAL BALANCE %			52.37	15.68	2.37	5.03	0.89	0.30	22.49	0.59	0.30	100. 00	
Seat allocation May 2018			4	1	0	0	0	0	2	0	0	7	
Committee seat allocation	7		3.67	1.10	0.17	0.35	0.06	0.02	1.57	0.04	0.02	7.00	

**CAMBRIDGESHIRE AND PETERBOROUGH COMBINED AUTHORITY –
MEMBERSHIP AND OTHER APPOINTMENTS**

Committee: Council

Date: 24 May 2018

Author: Chief Executive

[T4b]

1.0 **ISSUE**

1.1 This report requests the Council to make appointments to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2017/2018.

2.0 **RECOMMENDATIONS**

2.1 Members are requested to make the following appointments/nominations to the Cambridgeshire and Peterborough Combined Authority for the municipal year 2018/2019:

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

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

3.0 **BACKGROUND**

3.1 In accordance with the Cambridgeshire and Peterborough Combined Authority Order 2017, each Constituent Council must appoint one of its elected members and a substitute member to the Combined Authority. The Council is now asked to appoint a member and substitute member for the municipal year 2018/19.

Non-Executive Committees

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

- 3.3 On 3 May 2018, there were local elections for a number of local Councils. The Combined Authority has reviewed the political balance on constituent councils and has requested constituent councils to make the following appointments to these committees.

Overview and Scrutiny Committee

- 3.4 The Combined Authority agreed that to ensure an equitable representation across each constituent authority, two members from each council should be appointed to the Overview and Scrutiny Committee representing a total membership of fourteen members. In May 2018, the Council nominated two members to the Committee for the municipal year 2017/18.
- 3.5 The implications of applying political proportionality to a fourteen member Overview and Scrutiny Committee are detailed in Appendix 1.
- 3.6 The Council is required to nominate two members (from the Conservative party) to the Overview and Scrutiny Committee for the municipal year 2018/19 based on the political balance set out in Appendix 1.

Audit and Governance Committee

- 3.7 The Combined Authority agreed to establish an Audit and Governance Committee consisting of seven constituent members: one member from each constituent council.
- 3.8 The implications of applying political proportionality to a seven member Audit and Governance Committee are detailed in Appendix 2. The Council is required to nominate one member from the Conservative party to sit on the Audit and Governance Committee for the municipal year 2018/19 based on the political balance set out in Appendix 2.

Substitute Members

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

Conclusion

- 3.11 All appointments and nominations made by constituent councils will be reported to the Combined Authority's annual meeting on 30 May.
- 3.11 The political balance calculations in the Appendices are based on up to date statistics given by constituent councils and take account of the outcome of the recent elections of other councils. However, there may be last minute changes in the lead up to constituent councils' annual meetings and Combined Authority's annual meeting on 30 May.
- 3.12 If there are consequential changes to the overall political balance, the Combined Authority may need to review the membership and the allocation of seats to political parties on the above committees. The Monitoring Officer will advise constituent councils if any subsequent changes have been necessary, and whether any changes need to be made to their nominations.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

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

5.0 LEGAL IMPLICATIONS

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

6.0 APPENDICES

- 6.1 Appendix 1 – Overview and Scrutiny Committee political balance calculations.
Appendix 2 – Audit and Governance Committee political balance calculations

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Council – 25 May 2017 Agenda Item No. 15a	Room 103 The Grange Ely	John Hill Chief Executive (01353) 616271 E-mail: john.hill@eastcambs.gov.uk

East Cambridgeshire District Council Community Infrastructure Levy: Regulation 123 List

Introduction

The Community Infrastructure Levy ('CIL') Regulation 123 provides for a CIL charging authority to publish a list of infrastructure likely to be funded from CIL on its website.

CIL can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the charging authority's area.

The CIL Regulation 123, however, restricts the use of Section 106 Planning Obligations for infrastructure that will be funded in whole or in part by the CIL. This is to ensure no duplication or 'double funding' between the two types of developer contributions towards the same project.

The Regulation 123 list can be reviewed and updated regularly. The inclusion of a project or type of infrastructure does not signify a commitment from the Council to fund the project (either in whole or in part).

East Cambridgeshire Regulation 123 List

The East Cambridgeshire CIL Regulation 123 list is set out in the table below. The table is in no particular order and no priorities have been identified.

East Cambridgeshire CIL Regulation 123 List

Category	Project
Strategic	Littleport Schools
	District Leisure Centre
	Soham Railway Station
	Ely Southern Bypass
	Health Facilities Serving North Ely Development
Major	Childrens Centre Serving North Ely Development
	North Ely Country Park
	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

Bids submitted for inclusion in the Major Projects Category

Eleven Expression of Interest (Eol) applications for CIL funding have been submitted in response to the recent call for projects.

As these were received ECDC Officers checked that they met the required eligibility criteria. For those that did not, the applicant was informed so they could resubmit an eligible submission before the closing date. Applicants were also informed that if they could not meet the deadline, that applications are accepted at any time and that they could resubmit the Eol form for consideration at a later date.

Six of the final forms submitted did not meet the eligibility criteria. The table below gives details of these.

Eol projects that do not meet the eligibility criteria:

Organisation	Project	Score	Notes
Soham Town Council	Management Committee for the proper regulation of commonlands within Soham	Not scored – did not meet the eligibility criteria.	Creation of a legal entity does not constitute community infrastructure and is therefore not eligible for CIL funding
Swaffham Prior Parish Council	Swaffham Prior Scout Hut	Not scored – did not meet the eligibility criteria.	Cost of project unknown No match funding No financial contribution from applying organisation
Witchford Parish Council	Pedestrian/cycle crossing over A10 in vicinity of A10/A142 junction	Not scored – did not meet the eligibility criteria.	Cost of project unknown No match funding No financial contribution from applying organisation
Witchford Parish Council	Safety Improvements at the Common Road/A142 junction	Not scored – did not meet the eligibility criteria.	Cost of project unknown No match funding No financial contribution from applying organisation

Isleham Parish Council	The Beeches Community Centre Car Park	Not scored – did not meet the eligibility criteria.	To fix an existing problem rather than increased need due to growth No match funding
Little Downham Parish Council	Little Downham Pavilion Refurbishment	Not scored – did not meet the eligibility criteria.	To fix an existing problem rather than increased need due to growth No match funding

The following projects score above the 50% threshold:

Organisation	Project	Score	Notes
Burwell Parish Council	Burwell Parish Council Recreation Ground Improvement Project	62%	Total cost of project- £612,500 CIL funding requirement- £295,000
Ely Museum	Ely Museum Redevelopment	69%	Total cost of project- £1.9m CIL funding requirement- £100,000
Viva Arts and Community Group Ltd	The Mill Project- Soham	72%	Total cost of project- £600,000 CIL funding requirement- £180,000
Priors Field Surgery, Sutton	Sutton GP Surgery Extension	62%	Total cost of project- £434,000 CIL funding requirement- £180,000
Stretham & Wilburton Community Land Trust	Stretham GP Surgery	62%	Total cost of project- £1.5m CIL funding requirement- £600,000

Scoring Criteria for Regulation 123 List Major Projects Funding

Projects will be scored on their ability to meet the criteria set out below; extra weighting will be given to the scores awarded for good fit with the Councils infrastructure priorities.

1. Proposed project fit with East Cambridgeshire Local Plan and ECDC Council Corporate Priorities

The above documents set out the Council's infrastructure priorities, based on proposed housing growth across the district and in consultation with local communities:

- Does the project contribute to the delivery of the District Council's Corporate Priorities?
- Does the project deliver specific objectives and policies of the East Cambridgeshire Local Plan?
- Is this project identified as a priority in the relevant Village Vision within the Local Plan?
- Does the project deliver specific objectives and policies of the Cambridgeshire Local Transport Plan 2011 – 2013 (where applicable)?

2. Deliverability and funding of proposed project

Proposed projects will be considered with regard to the following criteria:

- Deliverability: The ability of the applicant to deliver the expected benefits on time and within budget.
- Access to alternative funding: Can the project be funded from alternative funding streams?
- Match funding: The level of match funding that the project has been secured or identified.

3. Prioritisation of proposed projects based level of local growth and evidence of need

The money collected from CIL can only be used to fund infrastructure projects in the area that are needed as a result of development:

- Is this project necessary to support local growth?
- Has the applicant provided evidence of need?
- Has the application provided evidence of stakeholder support (where applicable)?
- Does the project offer wider as well as local benefits?

**East Cambridgeshire District Council
R123 List Major Project Assessment and Prioritisation Form**

Project title
<i>Commencing with location</i>

Project description and estimated cost	
Type of Infrastructure:	<i>General description of proposed infrastructure</i>
Aims and Objectives of project:	<i>Link to corporate priorities</i>
Estimated capital cost (£k): Revenue cost per annum (£k): Third party contributions (£k):	<i>Estimate capital investment / revenue impact and list contribution source</i>

Proposed project fit East Cambridgeshire Local Plan and ECDC Council Corporate Priorities		Score (extra weighting given)	
Level of contribution to the delivery of the District Council's Corporate Priorities	<i>Directly or indirectly related to one or more of the District Council's Corporate Priorities</i> <i>One point awarded per Corporate Priority</i>	<i>0 to +5</i> X2	
Level of contribution to specific objectives and policies of the East Cambridgeshire Local Plan	<i>Directly or indirectly related to one or more of the Local Plan objectives/policies, identified as a priority in the relevant Village Vision within the Local Plan</i> <i>1 point awarded per Village Vision project is identified in</i> <i>1 point awarded per Local Plan objective/policies</i>	<i>0 to +5</i> X2	
Fit with specific objectives and policies of the Cambridgeshire Local Transport Plan 2011 – 2031 (where applicable)	<i>Emphasis of any new transport capacity in the area is on public transport, traffic restraint, cyclists and pedestrians</i> <i>1 point awarded per objective/policy</i>	<i>0 to +5</i> X2	

Deliverability and funding of proposed project		Score	
Ability of applicant to	<i>The extent to which a project is deemed likely to deliver the expected benefits within the declared cost/time/quality</i>	<i>0 to +5</i>	

deliver the expected benefits within the declared cost/time/quality envelope.	<i>envelope. Applicant's previous experience of delivering infrastructure projects.</i>		
Access to alternative funding	<i>Does the applicant have sufficient reserves to fund the project themselves? Does the project contribute towards the delivery of infrastructure by a provider (including the County Council) where it can be satisfactorily demonstrated that the infrastructure would not otherwise be delivered; i.e. that all other possible funding sources are insufficient</i> <i>0 points awarded if other funding sources available which cost pay for project, up to 5 depending on amount of other funding available</i>	0 to +5	
Match funding	<i>Level of match funding as percentage of project cost</i> <i>None =0 points</i> <i>Under 10% = 1 point</i> <i>10-19%= 2 points</i> <i>20-29% = 3 points</i> <i>30-39% = 4 points</i> <i>40%+ = 5 points</i>	0 to +5	

Level of local growth and evidence of need		Score	
Level of growth in settlement from 2013	<i>Number of new dwellings identified in draft Local Plan</i> <i>Under 10 = 0 points</i> <i>10-49 = 1 point</i> <i>50-99 = 2 points</i> <i>100-149 = 3 points</i> <i>150-199 = 4 points</i> <i>200+ = 5 points</i>	0 to +5	
Evidence of need provided	<i>Robustness of evidence submitted, local community demand or resistance, and linkage with other projects and developments</i>	0 to +5	
Evidence of stakeholder support (where applicable)	<i>Level of support from relevant statutory organisation/service provider, member support</i> <i>One point for each of the following</i> <i>Parish Council support</i> <i>District Council support</i> <i>County Council support</i> <i>Service provider support</i> <i>Other stakeholder support</i>	0 to +5	
Geographical coverage of project	<i>Expected catchment area of impact</i> <i>Parish = 1 point</i> <i>Ward = 2 points</i> <i>Neighbourhood Panel Area = 3 points</i> <i>District = 4 points</i> <i>County = 5 points</i>	0 to +5	

Total Score (out of maximum of 55 for non-transport projects, 65 for transport projects)	Score	Score as %

**COMMUNITY INFRASTRUCTURE LEVY: AMENDMENTS TO THE REGULATION
123 LIST**

To: Council

Date: 24 May 2018

Author: Director Commercial and Infrastructure & Strategy Manager

[T5]

1.0 **ISSUE**

1.1 To consider amendments to the Community Infrastructure Levy (CIL) Regulation 123 List (R123 List), namely; the inclusion of new infrastructure projects.

2.0 **RECOMMENDATIONS**

2.1 Members are requested to approve the draft Regulation 123 List as set out in Appendix 1.

3.0 **BACKGROUND**

3.1 East Cambridgeshire District Council introduced CIL on 1 February 2013. CIL is a levy that is charged on most new developments in the district. The contributions raised through this levy are used to fund, in whole or in part, the necessary infrastructure required to support growth and development in the district.

3.2 As part of the CIL Regulations 2010 (as amended), the Council is required to produce a list of infrastructure projects that could potentially benefit from CIL funding; this is known as the R123 List.

4.0 **CONSULTATION**

4.1 A consultation was carried out from 19 January 2018 to 13 April 2018. The consultation was an invitation for bids to be submitted for major projects to be considered for inclusion on the R123 List.

4.2 The Council invited stakeholders to submit bids for major projects. The Council received 11 submissions in total.

4.3 Scoring criteria was agreed by the Joint Member and Officer Steering Group. In order for a bid to be recommended to Council for approval, a score of 50% needed to be achieved. The submitted bids were considered and scored by the Joint Member and Officer Steering Group. A summary of the bids that were submitted is provided at Appendix 2.

- 4.4 The Joint Member and Officer Steering Group recommend the following projects to be included on the R123 list:
- Burwell Parish Council Recreation Ground Improvement Project
 - Ely Museum Redevelopment
 - The Mill Project- Soham
 - Sutton GP Surgery Extension
 - Stretham GP Surgery

Please note: Sutton GP Surgery is owned by an individual and as such, at the time that the project requires any CIL contribution, the Council will require some form of security in the practice to ensure that in the event that the GP surgery ceases to be used for this specific purpose, any CIL funding will be repaid to the Council.

5.0 CONCLUSION

5.1 The projects identified at 4.5 above have been assessed by the Joint Member and Officer Steering Group against the Major Projects Selection Criteria (provided at Appendix 3) and meet the minimum scoring threshold. For this reason it is appropriate for these projects to be included on the R123 List.

5.2 Please note that the inclusion of these projects on the R123 List does not signify a commitment for the Council to fund, whether in whole or in part, the projects. The projects being included on the R123 List merely provide a potential funding source. A stakeholder will need to apply separately for CIL contributions to be released to benefit the project; this decision will be made by the Resources & Finance Committee.

5.3 Please note: the projects that have been completed or no longer require funding have been removed in the new draft R123 List and the structure has been amended to remove ambiguity.

6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

6.1 There are no financial implications arising from this report.

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

7.0 APPENDICES

- 7.1 Appendix 1- Draft Regulation 123 List
 Appendix 2- Summary of Bids
 Appendix 3- Major Projects Selection Criteria

Background Documents

Regulation 123 List
 CIL Regulations 2010 (as amended)

Location

The Grange
 Ely

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