



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of an Extraordinary Meeting of East Cambridgeshire
District Council held in the Council Chamber, The Grange, Nutholt Lane,
Ely, on Wednesday 19 June 2019 at 6.30pm

P R E S E N T

Councillor Christine Ambrose-Smith	Councillor Bill Hunt
Councillor David Ambrose-Smith	Councillor Mark Inskip
Councillor Sue Austen (Vice- Chairman)	Councillor Alec Jones
Councillor Ian Bovingdon	Councillor Daniel Schumann
Councillor David Brown	Councillor Joshua Schumann
Councillor Charlotte Cane	Councillor Alan Sharp
Councillor Victoria Charlesworth	Councillor Amy Starkey
Councillor Matthew Downey	Councillor Lisa Stubbs
Councillor Lorna Dupré	Councillor John Trapp
Councillor Lavinia Edwards	Councillor Paola Trimarco
Councillor Lis Every (Chairman)	Councillor Jo Webber
Councillor Simon Harries	Councillor Alison Whelan
Councillor Julia Huffer	Councillor Christine Whelan
	Councillor Gareth Wilson

18. **ADJOURNMENT OF MEETING**

Due to the need for Officers to consider the procedural issues relating to motions and amendments presented just prior to the start of the meeting, the Chairman proposed the adjournment of the meeting, which was agreed by the Council, to enable this to take place. Therefore, the meeting was adjourned.

The Council meeting was reconvened at 7.30pm with the same Councillors present.

19. **PUBLIC QUESTION TIME**

No public questions were submitted.

20. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Anna Bailey.

21. **DECLARATIONS OF INTEREST**

Councillor David Ambrose-Smith declared a Prejudicial Interest in respect of Agenda Item 5 as a Director of ECTC.

Councillor Cane questioned if the Monitoring Officer had been asked to give advice on the interests of Councillors with holdings in property or property companies.

The Monitoring Officer stated that she had not been asked to provide any advice on the issue by particular Councillors for this meeting and that the registration and declaration of interests was a matter for individual Councillors.

Councillor Cane asked for advice to be provided by the Monitoring Officer to Councillors on this issue, in the light of guidance given at the recent training session for Planning Committee Members.

Councillor J Schumann highlighted that the position for Planning Committee was different due to the quasi-legal nature of the Committee and that it was a personal matter for Councillors to decide on whether and when to declare interests.

22. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

The Chairman thanked Council for electing her to the office and apologised for being unable to attend the Annual Meeting due to the change of date as a result of the European Elections. She stated that it was a great honour and privilege and she would do her very best to fulfil the role.

The Chairman reminded Members of the Code of Conduct and Protocols relating to the conduct of Councillors, which were based upon mutual respect and courtesy. Therefore, she asked Councillors to respect these during the debate this evening.

23. **FORMER MOD SITE, ELY**

Councillor David Ambrose-Smith left the meeting for the duration of this item, without exercising a public speaking right.

Further to approval of the Motion to Annual Council on 30 May 2019 (Minute 11 refers), Council considered a report, U23, previously circulated, detailing options for the re-development of the former MOD site, Ely, and a Rescission Motion submitted in accordance with Council Procedure Rule 20 as follows:

'The Council formally rescinds the Motion in relation to the MOD site, Ely, (Ref 30 May 2019, Agenda Item 11).

Furthermore, Council instructs the Chief Executive to bring forward proposals to increase the level of affordable Housing above statutory Planning requirements for Phase 2 of the MOD site, Ely.'

The Democratic Services Manager explained the procedural reasons for the acceptance of the Rescission Motion as a valid Motion under Council Procedure Rule 20 and for its moving and seconding first in the order of business.

As mover of the Rescission Motion, Councillor Joshua Schumann stated that he had not done so lightly and had very mixed feelings, as he was disappointed that any Motion had to be the subject of rescission. The original scheme approved by full Council in December contained 15 units of affordable shared ownership Housing in phase 1 and was financially sustainable. Councillor Joshua Schumann believed that the Motion was the result of ill-conceived principles. 50% affordable Housing for the site was not achievable and would require an unprecedented level of subsidy from the Combined Authority. The Motion to Annual Council demonstrated a failure to produce fully assessed and costed proposals, so legitimately could be considered to be a 'wrecking Motion' for the original scheme. No private developer would have an obligation to provide 15 units of affordable Housing and the Administration had given an undertaking to look at increasing the level of affordable Housing provision for phase 2 of the scheme above the minimum compliancy requirements. Councillor Joshua Schumann requested a recorded vote on the Rescission Motion.

An amendment then was moved by Councillor Alison Whelan and seconded by Councillor Inskip as follows:

'Insert after first paragraph:

Council Support the submission of a revised scheme for Phase 1 of the MOD site, Ely, to the CPCA Board meeting on 26 June 2019 based on:

- 35% (32 units) affordable Housing units, representing 22% (7 units) as affordable rent and 78% (25 units) as affordable shared ownership;
- Request the ECTC Board to forgo its total projected profit to subsidise the scheme;
- Request CPCA grant of £54,438 per unit.'

As mover of the amendment, Councillor Whelan stated that the Liberal Democrat Group wanted a higher level of affordable Housing provision, but recognised the short timescale involved to secure the scheme, so were willing to look at a compromise. Whilst £54K subsidy may be unprecedented for the CPCA, the Council wanted to appeal to them to provide desperately needed affordable housing for the District. Councillor Whelan had spoken to a large number of residents whilst campaigning for election and the overwhelming response was that they wanted more affordable homes to enable children and their families to remain close to each other in adulthood. This was why the amendment was so important to Councillor Whelan.

In response, Councillor Hunt commented that this was a 'pipe dream' and if the scheme did not proceed, a private developer would acquire the site and the Council would be lucky if 10% affordable Housing was provided. He urged Members to approve the Rescission Motion rather than allowing the Motion to Annual Council to stand and thwart a scheme to provide much needed Housing within the District.

Councillor Sharp commented that the Liberal Democrats had not 'done their homework' regarding their proposals and figures for submission to the

CPCA. Removing the profit would place this Council at a large financial risk in delivering the scheme, whilst it was highly unlikely that the CPCA would approve a £54K subsidy per unit.

Councillor Harries referred to the fact that he was a new Ely Ward Councillor and one of the main reasons he stood for election was to deliver affordable Housing for the benefit of local people in response to their expressed needs for this. Local people had voted for the Liberal Democrats to get action on important issues such as affordable Housing. The amendment showed a willingness to compromise and Councillor Harries hoped that the Councillors that once had been a 'one party state' could join in a consensus approach on this issue in the interests of the people of the District.

Councillor Inskip expressed disappointment at the language used by the Conservative Members regarding a 'wrecking Motion' and hoped that they would have had greater ambitions to deliver a higher level of affordable homes. The Council were falling well short of meeting the demand for affordable housing within the District and could do much more. The Liberal Democrat Group had recognised that the 50% figure in the Motion to Annual Council was too much of a struggle to achieve, so had produced a compromise proposal and there was a CPCA precedent for a similar level of subsidy to the £54K on a scheme approved recently by them. Councillor Inskip also expressed disappointment at the lack of engagement on the part of the Administration with the Liberal Democrats to work towards a scheme more likely to be supported by the CPCA. Councillor Inskip referred to the fact that the Chairman was an Ely Ward Councillor and potentially could have two votes and so he appealed to her to use these votes to put residents first.

Councillor Joshua Schumann referred to the potential dangers of the amendment and the repercussions of using every penny of the contingency, which would be foolhardy and financially irresponsible. The original scheme approved by Council 'stacked-up' financially and was deliverable with 15 units of affordable Housing, which exceeded private sector requirements. The 'hand of friendship' had been extended to the Liberal Democrat Group to work together on key issues but had not been taken up by the Leader and Deputy Leader of that Group.

Councillor Dupré raised a point of order that Councillor Joshua Schumann had spoken twice contrary to Council Procedure Rule 12.9 and Councillor Schumann apologised.

Councillor Joshua Schumann moved that 'the question now be put' which was seconded by Councillor Brown and, upon being put to the vote, was carried on the Chairman's casting vote.

A recorded vote having been requested on the amendment, it was taken and declared to be LOST, with Members voting as follows:

For (13) Cllrs Austen, Cane, Charlesworth, Downey, Dupré, Harries, Inskip, Jones, Trapp, Trimarco, Alison Whelan, Christine Whelan, Wilson.

Against (13) Cllrs C Ambrose Smith, Bovingdon, Brown, Edwards, Every, Huffer, B Hunt, Dan Schumann, Joshua Schumann, Sharp, Starkey, Stubbs, Webber.

Abstention (0)

Lost on Chairman's Casting Vote against amendment.

A second amendment then was moved by Councillor Simon Harries and seconded by Councillor Christine Whelan as follows:

'Delete "above statutory Planning requirements" from second paragraph and insert:

To at least 50%, with at least 50% of these being for rent and at least 50% of the rented properties for LHA rent.'

In moving the amendment, Councillor Harries stated that he wanted a concrete commitment to do something better in Phase 2 regarding affordable housing than Phase 1, rather than simply taking things on trust. This is why it was necessary to put figures on the commitment that could be tested. The Administration had discussed collaborative working and this amendment was a way to give confidence of this to the people of Ely. Councillor Harries commented that it was very difficult to obtain and people had to wait for a long time for affordable rented housing in Ely. This was why he would urge Councillors to vote for the amendment, to have a clear ambition for Phase 2 of the development.

Councillor Cane referred to Councillor Joshua Schumann's comment regarding 15 affordable housing units being above that which would be required from a private developer for the site, and questioned what this Council's responsibility should be. On a point of personal explanation, Councillor Schumann stated that the Council would be going above and beyond Planning policy compliancy by providing 15 units of affordable housing. Councillor Cane stated that the Council had a responsibility to provide affordable housing to meet the needs of local people, and the Combined Authority had funding available to deliver this within the County. The amendment would secure a defined level of affordable housing provision for both sale and rent in Phase 2 of the MOD development.

Councillor Christine Ambrose-Smith commented that, as a Littleport Ward Councillor, she was aware of the high levels of deprivation in this Town as well, which also needed to be addressed.

Councillor Inskip urged the Conservative Group to go above and beyond policy requirements of 30% to provide people with desperately needed affordable homes.

Councillor Sharp highlighted that the Motion gave a commitment to deliver affordable housing above the statutory Planning requirements, but this had to be done in a responsible and costed manner in the best interests of both residents and this Council.

Councillor Sharp concurred with Councillor Harries comment that lack of communication and collaboration causes problems and hoped that the leadership of the two Political Groups could work together.

Councillor Downey commented that the discussions so far seemed to support the amendment and hoped that this would be borne out by the voting on this.

Councillor Dupré stated that since the Motion had been carried at the Annual Council meeting on 30 May, many local people had commended her for supporting the provision of more affordable housing. She thanked officers for the time spent by them to provide options to attempt to make the Motion deliverable. This amendment aimed to deliver far more ambitious affordable housing proposals for Phase 2 of the Scheme for the MOD site, with a meaningful proportion for rent.

Councillor Huffer reminded Members that they should be representing the people of the whole of the District and not just Ely. Also any proposals had to be financially viable and these were not.

Councillor Brown concurred that a fully costed plan was required rather than arbitrary figures.

Councillor Trapp commented that people outside of Ely also had been very supportive of the drive for more affordable housing.

Councillor Wilson referred to the fact that this development was under our own control and, with £500K potentially at our disposal, we could provide more affordable housing units. He commented that our own development company should do significantly better than a private developer.

Councillor Christine Whelan speaking as seconder of the amendment, highlighted that house prices locally had doubled in the last 10 years, so this meant that affordable housing was badly needed. The Rescission Motion did not include any figures for this in Phase 2, hence fixed targets were required.

Councillor Schumann highlighted that supporting the amendment would undermine the viability of the overall scheme.

Upon being put to the vote, the amendment was declared to be LOST, following the Chairman using her casting vote.

A third amendment then was moved by Councillor Cane and seconded by Councillor Dupré as follows:

'The Council formally rescinds the Motion in relation to the MOD site, Ely, (Ref 30 May 2019, Agenda Item 11).

Furthermore, Council instructs the Chief Executive to bring forward proposals to increase the level of affordable Housing significantly above statutory Planning requirements for Phase 2 of the MOD site, Ely.'

In moving the amendment, Councillor Cane stated that she had noted from the debate that the Administration were unwilling to set a fixed figure for affordable housing in Phase 2. Therefore, in the spirit of compromise, she was submitting an amendment that merely 'put down a marker' to deliver significantly better than the minimum 30% requirement.

Councillor Harries commented that this issue did not just relate to Ely but to other parts of the District and that the Council should be aiming for maximum affordable housing levels there as well whenever schemes were brought forward.

Councillor Trapp concurred that the Council should have an aspiration to deliver significant levels of affordable housing as a principle.

In seconding the amendment, Councillor Dupré reiterated her commitment to more ambitious affordable housing targets for the MOD project.

Councillor Joshua Schumann expressed concern that the Liberal Democrat Group believed that this Administration should make commitments that could not be delivered. This authority could not operate on the basis of last minute amendments, but had to make considered, costed decisions that were deliverable, rather than vague promises.

Upon being put to the vote, the amendment was declared to be LOST, following the Chairman using her casting vote.

Council then returned to consideration of the Rescission Motion.

With regard to procedural matters, Councillor Inskip commented that an amendment can be submitted without notice at any time during the debate at a meeting, but he considered that Rescission Motions should be submitted in a timely manner, as close to the date that the decision was taken as possible. This Rescission Motion only had been received by Councillors on the Monday before this meeting. Councillor Inskip expressed concern that the ruling Group on the Council expressed a commitment to deliver affordable housing within the District, but did not support any of the amendments to achieve this. Therefore,

he could not support a Rescission Motion that did not provide for the level of affordable housing that local people desperately needed.

Councillor Cane also expressed concern that a proper notice period had not been given for the Rescission Motion. Councillor Cane also commented that an extraordinary Council meeting had been arranged relating to the Motion on the MOD site, whilst the July Planning Committee meeting had been cancelled due to a lack of substantive business. Councillor Cane queried why this was the case and asked if this had anything to do with the financial viability of the Trading Company, as indicated in the recently published Statement of Accounts, and the need for the MOD scheme to contribute towards improving its financial position.

Councillor Dupré questioned whether this Council was putting its own financial interests above the housing needs of local people. 130 affordable housing units should be delivered each year but this target had not been achieved in the past 12 years. In addition, a recent Regulatory Services Committee item to consider a Private Sector Housing Policy had to be deferred due to the lack of a quorum arising from the number of Councillors who had to declare interests as private sector landlords, requiring the Monitoring Officer to grant dispensations to allow consideration of the item at a subsequent meeting.

Councillor Downey also expressed great disappointment at the ruling Group voting against 3 amendments to provide higher levels of affordable housing.

Councillor Harries hoped that in future the two Political Groups could talk and build a better relationship with each other and avoid a purely political response. He also stated that the Liberal Democrat Group would be closely scrutinising the robustness of the Trading Company at the Finance and Assets Committee. Councillor Harries was critical of the decision by the Chairman of Council to use her casting vote 3 times during this meeting to vote down amendments and effectively reduce the amount of affordable housing that could be delivered for the people of Ely, particularly since she was an Ely Ward Councillor.

Councillor Sharp commented that this debate was 'going around in circles' and referred to the commitment given in the Rescission Motion that the Council would bring forward proposals to increase the level of affordable Housing above statutory Planning requirements for Phase 2 of the MOD site, Ely. The first amendment would have resulted in an additional cost of £4.7M to the local Council Taxpayer. As a Member of the Finance and Assets Committee, he commented that normal accounting practices had been followed regarding the Trading Company in the Statement of Accounts.

Councillor Huffer responded to Councillor Dupré's comment regarding the deferral of the Private Sector Housing Policy item at a recent meeting of the Regulatory Services Committee due to the lack of a quorum, by stating that Councillor Dupré had been due to attend the meeting to substitute for the

Liberal Democrat Member of the Committee who was unwell, but had failed to attend or to send apologies.

Councillor Hunt referred to the significant rise in Council Tax that resulted when the Liberal Democrats were last in control of the Council and commented that all administrations could make promises, but failure to deliver on these was not sound practice. This Council would be very rash to use the £500K contingency for the MOD scheme and 'hope for the best' that it would not be required. The Rescission Motion ensured that the project met prudent practices and still delivered affordable housing above the statutory Planning requirements. This Council already was delivering affordable housing for local people via Community Land Trusts (CLTs) and the Liberal Democrat amendments would jeopardise the MOD scheme and affordable housing to be delivered on that site. Councillor Hunt thanked officers for the time that they had spent to provide a range of options to attempt to facilitate the Motion from Annual Council on 30 May 2019. However, the majority of these would be 'wild goose chases' in terms of possible viability or support from the Combined Authority. The Liberal Democrat Group had criticised the 3 days notice given for the Rescission Motion, but their amendments had been received 3 minutes before the start of this Council meeting. Councillor Hunt urged Members to support the Rescission Motion which guaranteed the delivery of affordable housing units.

Councillor Joshua Schumann, in summing up, reiterated that an offer had been made to the Liberal Democrat leadership to discuss options for a 'worked-up' scheme to deliver a higher level of affordable housing, but no response had been received to this offer. Councillor Schumann also was critical of the level of personal attacks made by a particular Councillor on fellow Members this evening. He urged Members to support the Rescission Motion which would deliver a scheme to bring currently deserted properties back into use and deliver affordable homes for the benefit of local residents.

A recorded vote having been requested on the Rescission Motion, it was taken and declared to be CARRIED, with Members voting as follows:

For (13) Cllrs C Ambrose Smith, Bovingdon, Brown, Edwards, Every, Huffer, B Hunt, Dan Schumann, Joshua Schumann, Sharp, Starkey, Stubbs, Webber.

Against (13) Cllrs Austen, Cane, Charlesworth, Downey, Dupré, Harries, Inskip, Jones, Trapp, Trimarco, Alison Whelan, Christine Whelan, Wilson.

Abstention (0)

Carried on Chairman's Casting Vote for Motion.

It was resolved:

1. That Council formally rescinds the Motion in relation to the MOD site, Ely, approved by Annual Council on 30 May 2019.
2. That the Chief Executive be instructed to bring forward proposals to increase the level of affordable housing above statutory Planning requirements for Phase 2 of the MOD site, Ely.

The meeting concluded at 9.05pm.

Chairman.....

Date 18 July 2019