



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that a meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held in **THE COUNCIL CHAMBER, NUTHOLT LANE, ELY ON THURSDAY 17 OCTOBER 2019** commencing at **6.00pm** with up to 15 minutes of Public Question Time, immediately followed by the formal business, and you are summoned to attend for the transaction of the following business.

AGENDA

- 1. PUBLIC QUESTION TIME** **[oral]**
The meeting will commence with up to 15 minutes public question time
- 2. APOLOGIES FOR ABSENCE** **[oral]**
- 3. DECLARATIONS OF INTEREST** **[oral]**
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
- 4. MINUTES – 18 JULY 2019**
To confirm as a correct record
- 5. CHAIRMAN’S ANNOUNCEMENTS** **[oral]**
- 6. TO RECEIVE PETITIONS** **[oral]**

To receive the following Petition of approx 537 verified signatures:

We the undersigned petition East Cambridgeshire District Council to join many other Councils around the UK in declaring a Climate Emergency and to resolve to take appropriate action.

We therefore call on East Cambridgeshire District Council to:

1. Declare a Climate Emergency;
2. Pledge to make ECDC together with its wholly-owned companies and contractors carbon neutral by 2030 and pledge to divest Council investments, including pensions, from fossil fuels;

3. Call on the Government to provide powers, resources and technical support to make the 2030 target possible;
4. Work with local stakeholders to deliver a strategy in line with the target of net zero emissions by 2030, via a Council Working Group and a Citizen's Assembly. These should involve participation from as wide a range of residents, young people, businesses and other relevant parties as possible and should report within 6 months, or at least in time for their recommendations to be funded in the next Budget cycle.

Why is this Important?

We are facing an unprecedented climate and ecological catastrophe. Leading scientists from the IPCC have warned that if we carry on our business as usual and don't take emergency action on Climate Change, we face the gravest threats to our global environment. This includes worsening risks of drought, floods, extreme heat and poverty for hundreds of millions of people. Extreme weather events are already being seen, even in East Cambs which experienced severe drought last year. More recently, during a heatwave in July 2019 which saw temperatures across Europe, the highest temperature ever recorded in the UK was reached in Cambridge.

In the light of this urgent situation, at least 230 Councils in the UK have already declared a Climate Emergency, while cities including Exeter, Bristol and Edinburgh have set themselves ambitious targets of carbon neutrality by 2030.

7. NOTICE OF MOTIONS UNDER PROCEDURE RULE 10

(i) Encouraging Inclusivity

East Cambridgeshire District Council acknowledges with concern the published data on increases in hate incidents and crimes towards people with protected characteristics under the Equalities Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation). We commit to ensuring that every resident of the District is treated with respect, dignity and in an equal manner.

This Council acknowledges its duty under the Equality Act 2010 and has produced a Single Equalities Scheme 2016 – 2020. We further commit to ensuring that it goes beyond this legal duty and seeks to ensure that Inclusivity is at the heart of the Council and the District.

This Council will:

- produce a revised Inclusivity, Equality and Diversity scheme to replace the Single Equality Scheme 2016 – 2020 and commit to ensuring that all its actions and policies are reviewed to ensure that they seek to include all people
- over the course of 2020/21 make unconscious bias training available to all staff and Members
- establish communication with groups representing the diversity of East Cambridgeshire and seek to ensure that these groups feel included in the decisions and processes of this Council
- engage with external bodies to encourage that they live up to the same Inclusivity standards
- publish and promote the success of these policies in creating an Inclusive Council and District.

Proposer Cllr Alison Whelan
Seconded Cllr Christine Whelan

(ii) Climate Emergency

Council notes:

that the impacts of climate breakdown are already causing serious damage around the world.

that the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector;

that East Cambridgeshire is at significant risk from climate change by both drought from reduced rainfall and flooding from rising sea levels, with the Environment Agency reporting that the river flow on the Ely Ouse is 'notably low', and reports suggesting that a 1.5° rise in temperature would see most of East Cambs under salt water with Ely becoming an island and the fen edge villages becoming coastal villages;

that East Cambridgeshire is a major contributor to Greenhouse gas emissions from allowing our peat to dry out releasing CO2 into the atmosphere, burning oil and bottled gas for heating and frequently using cars due to inadequate public transport or provision for cyclists and pedestrians;

that all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies;

that strong policies to cut emissions also have associated health, wellbeing and economic benefits;

and that, recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions.

Council therefore commits to:

Declare a 'Climate Emergency' that requires urgent action.

Make the Council, and its trading subsidiaries' activities net-zero carbon by 2030

Achieve 100% clean energy across the Council and its trading subsidiaries' full range of functions by 2030

Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2030.

Support and work with all other relevant agencies towards making the entire area zero carbon within the same timescale;

Ensure that political and chief officer leadership teams and trading subsidiaries' Directors embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's activities, ensuring that any recommendations are fully costed and that committees and full Council review council activities taking account of production and consumption emissions and set up a joint members and officers working group to produce an action plan within 12 months, together with budget actions and a measured baseline;

Ensure that Council considers the impact of climate change and the environment when reviewing Council policies and strategies;

Work with, influence and inspire partners across the district, county and region to help deliver this goal through all relevant strategies, plans and shared resources;

Council to take steps to proactively include young people in the process, ensuring that they have a voice in shaping the future;

Establish an East Cambridgeshire Climate Change Partnership, involving councillors, residents, young people below voting age, academics and other relevant parties, to prioritise carbon reduction measures, identify related benefits to employment, health, agricultural and transport sectors and develop a strategy in line with the 'net-zero carbon by 2030' target;

Require East Cambs Trading Limited to investigate ways to build zero carbon homes in East Cambridgeshire and report to Council within 12 months on the proposed ways forward with a view to building zero carbon homes by 2022 at the latest;

Require East Cambs Street Scene Limited to work with Council officers to develop a capital assets replacement and refurbishment programme and review work processes to report to Council within 12 months on proposed ways forward to become a zero-carbon operation;

Ensure that all reports in preparation for the 2020/21 and future budget cycles and investment strategies will take into account the actions the council will take to address this emergency;

Ask officers to investigate the most appropriate training for members and officers about how to promote carbon neutral policies for future consideration by Council;

Write to the Secretary of State to request that Government provides the powers, resources and help with funding to make this possible, and ask local MPs to do likewise;

Consider other actions that could be implemented, including (but not restricted to): renewable energy generation and storage, providing electric vehicle infrastructure and encouraging alternatives to private car use, increasing the efficiency of buildings, in particular to address fuel poverty; proactively using local planning powers to accelerate the delivery of net zero-carbon new developments and communities, coordinating a series of information and training events to raise awareness and share good practice.

Proposer – Cllr Mark Inskip

Seconder – Cllr Charlotte Cane

(iii) Climate Change

The current generation has a duty to protect and improve the health of our planet for those that follow.

The world is facing unprecedented challenges in population growth, climate change, pollution and ever increasing and competing demands on its land and natural resources. By 2050 the world population is expected to rise from its current level of 7.7 billion to 9.2 billion. There is global consensus that climate change poses significant risk to the health of the planet and its ability to sustain life.

Local Authorities have a responsibility, both in their own activities and those undertaken with partners, as well as in the influence they can bring to bear to reduce the adverse effects of their populations on the planet.

Cambridgeshire and East Cambridgeshire are growing areas; increasing populations result in increasing need for businesses, houses, health, retail and leisure outlets, transport and other supporting infrastructure, all of which lead to adverse impacts on the environment. With growth comes a responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible.

This Council thanks residents for calling for action and acknowledges that it has a significant role to play in protecting and improving the environment for future generations.

Council notes the positive actions it is already undertaking:

- A District wide review of bus services to inform a detailed plan, which aims to increase the number and frequency of services, to be presented to the Combined Authority in its county wide bus review
- Development of an East Cambs Strategic Cycle/Footpath Network, identifying gaps in the current network, and seeking funding opportunities to improve the network over time
- Thanks to our residents, achievement of one of the highest recycling rates in the country, leading to a new target of 65%; we stand ready to make further improvements in line with the Government's emerging Resources and Waste Strategy
- Through planning policy we favour sustainable development, we secure energy and sustainability measures on all developments of 5 dwellings or more and we seek BREEAM 'very good' build standard on non-domestic developments greater than 1000m²
- We seek to secure landscaping and tree planting in new developments
- Our Tree Strategy and Conservation Area policies are helping to protect and improve the tree stock across the District
- We work with wildlife groups to increase habitat and biodiversity
- We have established wildflower habitats on some of our own open spaces
- Our Purge on Plastics campaign and action plan is helping to reduce the Council's use of single use plastics and to encourage others across the district to do the same
- Ely Markets' Bring your Own Campaign is helping to raise awareness and reduce the use of single use plastic by market traders and customers
- We are signed up to and supporting the Doubling Nature campaign and the Local Nature Partnership
- Our free energy advice service helps residents improve the energy efficiency of their homes
- Participation in the Energy Company Obligation Flexible Eligibility Scheme is helping to reduce carbon emissions and tackle fuel poverty
- Together with Cambridgeshire County Council we are developing an Innovate UK bid to design an energy system to deliver net zero carbon emissions from energy use in East Cambridgeshire by 2050; the project focuses on shifting transport, gas and oil use to electricity and to grow the electricity network to cater for the change
- We are working with Swaffham Prior Community Land Trust and Cambridgeshire County Council to secure funding for the low carbon Swaffham Prior Community Heat Scheme
- Kennett Community Land Trust has been designed using Garden Village principles

- We are building new homes at Haddenham Community Land Trust to high energy efficient standards
- 2 rapid electric vehicle charging points were installed at The Hive car park
- At end of life all lightbulbs on Council premises are replaced with LED lightbulbs
- Grant applications to the Council are asked to explain what steps are being taken to make a project environmentally sustainable

Council recognises the need to build on this positive work, to further embed positive environmental thinking, behaviours, and action throughout our organisation and to seek to influence partners and others to do the same.

Council therefore resolves to:

- Note the positive actions and work that have already been completed or begun
- Commit to the following actions, to begin immediately:
 - Launch and publicise an online 'Ideas Forum' for residents to submit their ideas for consideration on how the Council can tackle climate change
 - Develop a Supplementary Planning Document for the Natural Environment
 - Conduct a review of the management, use of pesticides and the grass cutting schedule of our own open spaces and develop a Parks and Open Spaces Eco Plan to reduce adverse environmental impacts and increase biodiversity
 - Request East Cambs Trading Company to consider if and how the Parks and Open Spaces Eco Plan can be applied to customers of the Company
 - Promote tree schemes by the Woodland Trust and other organisations to encourage tree planting throughout the District
- Assess the feasibility and capability of new carbon emission free vehicles available on the market when any Council owned vehicle comes to the end of its life, alongside consideration of the required investment in infrastructure to charge and maintain a carbon emission free fleet
- Task the Operational Services Committee to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution and protect and enhance biodiversity and present to Committee within 6 months; as part of this work, Committee will explore and consider the following, which is not an exhaustive list:
 - Measures in conjunction with the Combined Authority
 - Measures in conjunction with Cambridgeshire County Council
 - Measures in conjunction with other organisations and customers
 - Measures required and feasibility of reaching net zero carbon emissions by the Council by 2050
 - Pre-application Planning fee incentives/discounts for schemes using eco-friendly building methods and heating and cooling systems and green energy schemes
 - Incentives/discounts on taxi license fees for ultra-low and zero emission vehicles at renewal
 - Installing more electric charging points in Council owned car parks
 - Installing additional water refill stations on Council premises
 - Communications Plan, including:
 - Changing the culture of the Council to one of 'Think Zero'
 - Promotion of the online 'Ideas Forum'
 - Michael Recycle 'Zero Hero' cut the carbon campaign
 - Schools engagement
 - Measures in the emerging Youth Strategy

Proposer: Cllr Anna Bailey

Secunder: Cllr Josh Schumann

8. TO ANSWER QUESTIONS FROM MEMBERS [oral]

9. CORPORATE PLAN 2019-23

Due to being an A3 colour document, the Corporate Plan, Appendix 1 of the report, has been circulated separately to Councillors and Officers. Copies are available on the Council's website www.eastcambs.gov.uk or from Democratic Services.

10. RECOMMENDATIONS FROM COMMITTEES

- **Anti-Fraud and Corruption Policy**
- **ECTC Business Plan 2019/20**

The Business Plan includes an Exempt Appendix

11. POLLING DISTRICT, POLLING PLACES AND POLLING STATIONS REVIEW

12. IRP REPORT

13. CONSTITUTIONAL REVIEW & AMENDMENTS

14. ECTC SHAREHOLDER AGREEMENT & ARRANGEMENTS

15. ECSS SHAREHOLDER AGREEMENT & ARRANGEMENTS

16. REVIEW OF LOCAL PLAN 2015 AND WIDER PLANNING POLICY MATTERS

17. COMMUNITY INFRASTRUCTURE LEVY UPDATE AND PROPOSED CHANGES

18. COMBINED AUTHORITY UPDATE REPORT

To receive reports on the activities of the Combined Authority from the Council's appointee(s)

19. ACTION TAKEN ON THE GROUNDS OF URGENCY:

- **Independent Remuneration Panel**
- **Independent Persons**

EXCLUSION OF THE PRESS & PUBLIC

That the press and public be excluded during the consideration of agenda item no. because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended)

20. ASSET MANAGEMENT MATTER



J Hill
Chief Executive

To: All Members of the Council

NOTES:

Members of the public are welcome to attend this meeting. This Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single use plastics in our workplace. Therefore, we do not provide disposable cups in our building and would ask members of the public to bring your own reusable bottle/cup to meetings where water/hot drinks will be available.

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 30-40 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.

Meetings of full Council may be webcast in accordance with our Procedure Rules.

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@eastcamb.gov.uk

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Agenda Item 4

Minutes of the Meeting of East Cambridgeshire
District Council held in the Council Chamber,
The Grange, Nutholt Lane, Ely on Thursday
18 July 2019 at 6.00pm

PRESENT

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

24. **PUBLIC QUESTION TIME & INTRODUCTIONS**

No public questions were submitted.

The Chairman welcomed Harry Redman, a student from Hills Road 6th Form College on a Work Experience placement for the day, who was observing the Council meeting.

The Chairman reminded Members of the speaking rules within the Council's Procedure Rules and the requirement within the Code of Conduct for Members to treat others with respect, both contained within the Constitution.

25. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Austen, Huffer, Inskip and Starkey.

26. **DECLARATIONS OF INTEREST**

No declarations of interests were received.

27. **MINUTES**

The Minutes of the Annual Council meeting held on 30th May 2019 and the Extraordinary Council meeting held on 19 June 2019 were received.

On a point of personal clarification, Councillor Harries apologised to the Chairman and other Councillors, if his comments at the Extraordinary Council meeting had caused offence. The Chairman expressed her appreciation for the apology.

It was resolved:

1. That the Minutes of the Annual Council meeting held on 30 May 2019 be confirmed as a correct record and signed by the Chairman.
2. That the Minutes of the Extraordinary Council meeting held on 19 June 2019, tabled at this meeting, be confirmed as a correct record and signed by the Chairman with the following amendment:
Minute 23, Former MOD Site, Ely, Page 9 paragraph 3: correction to comment made by Councillor Joshua Schumann – a general offer of co-operation had been made by the Conservative Group to the Liberal Democrat Group, which the Liberal Democrat Group Leader had not had an opportunity to discuss with her Group at that stage. This now had been discussed and a response would be given to the Conservative Administration.

28. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

The Chairman highlighted that she already had attended a number of Civic engagements and these would be detailed in the agenda for the next Council meeting. But she particularly wanted to draw attention to the Isle of Ely Arts Festival which had just concluded and had included events/performances at different locations around the District. This had been very well received and attended and had been supported by the Council.

29. **PETITIONS**

No Petitions had been received.

30. **MOTIONS**

No Motions were received.

31. **QUESTIONS FROM MEMBERS**

Questions were received and responses given as follows:

Former MOD Site, Ely

Councillor Christine Whelan
Liberal Democrats Ely West
East Cambridgeshire District Council:

What is the timetable for the various stages of the Phase 2 development of the MOD site?

Response from Director Commercial:

Under the current estimated timetable ECTC plans to submit two planning applications. The first application will be submitted on the infill areas of the site in October 2019. The second application will be submitted on the remainder of the site in January 2020.

If planning permission is granted construction would commence in April 2021 with sales commencing in October 2021.

ECTC Business Plan

Question from Councillor Lorna Dupré:

- On 11 February 2019, the Shareholder Committee of this Council deferred to its next meeting (14 March 2019) consideration of the Business Plan of East Cambs Trading Company, amid significant concerns expressed by Councillors.
- On 21 February 2019, Full Council approved the Business Plan of East Cambs Street Scene, but not of East Cambs Trading Company.
- On 1 March 2019, an email was received cancelling the meeting of the Shareholder Committee scheduled for 14 March 2019, and rescheduling it to 17 April 2019.
- On 10 April 2019, an email was received cancelling the meeting of the Shareholder Committee scheduled for 17 April 2019. When asked the reason for the cancellation, the response was 'lack of business'.
- On 11 April 2019, Full Council disbanded the Shareholder Committee and distributed its responsibilities among two reorganised policy committees. The Business Plan of East Cambs Trading Company was not on the agenda for approval.
- On 30 May, Full Council met for the first time under the new political administration. It did not consider or approve the Business Plan of East Cambs Trading Company.

- The Finance & Assets Committee met on 20 June 2019 and did not consider or recommend the Business Plan of East Cambs Trading Company.

Given that this Council has therefore not approved the Business Plan of East Cambs Trading Company, on what governance basis is it continuing to operate?

Response from Director Commercial:

ECTC Board approved the 2019/20 Business Plan which was presented to the Council's Shareholder Committee on 11 February 2019. Various comments were made by the Shareholder Committee and as a result of this ECTC required time to consider the concerns raised and make the necessary changes to the business plan.

There was insufficient time to reflect the concerns that had been raised by Shareholder Committee as the business plan needed to be approved by the ECTC Board prior to the Shareholder Committee reconsidering the item on 14 March 2019. For this reason the Shareholder Committee meeting was rearranged for 17 April 2019.

At the point of cancelling the Shareholder Committee meeting ECTC was in the process of refining the business case for the development at Haddenham, this would enable Officers to reflect the most up to date financial position of the Haddenham site in the business plan.

Following the decision of Council on 11 April 2019, the first opportunity for ECTC to present the 2019/20 business plan to the Shareholder Committee, which is now a function of Finance & Assets Committee would have been 20 June 2019.

It was not possible for ECTC to present a 2019/20 business plan to the 20 June 2019 meeting due to the decisions taken by Council on 30 May 2019, i.e. the motion to revisit the MOD scheme to deliver at least 50% affordable housing.

With regards to the property element of ECTC, the business that has been transacted by ECTC since April 2019 concerns the completion of the two construction sites at Barton Road Ely and The Shade, Soham and progressing schemes in Haddenham, Ely (MOD Site) and Kennett. All of these plans have been referred to in previous years (approved by ECDC).

Whilst it is recognised that it is a requirement of the Shareholder Agreement to produce an annual business plan for approval by the Council there is no statutory requirement to do so, therefore ECTC is not in breach of any statutory obligations.

ECTC will present the 2019/20 business plan for approval by Council on 17 October 2019.

East Cambs Trading Company (ECTC)

Questions from Charlotte Cane
Councillor for Bottisham Ward:

Question 1

Did ECDC supply written confirmation to the Directors of ECTC on or before 14 November 2018 that ECDC would continue to provide financial support to ECTC?

- If so, when did Councillors approve the sending of this written confirmation?
- If not, how did Councillor Bailey, as a Director of ECTC, feel able to say that the company was a Going Concern and state that ECDC would continue to provide financial support?

Question 2

Have ECDC or ECTC commissioned a full environmental survey of the MOD site?

- If so, can all Councillors have a copy?
- If not, what analysis has the council undertaken of potential contamination on the site and the level of risk involved to the council and to potential occupiers?"

Response from Director Commercial:

Question 1

The financial support from ECDC to ECTC is in the form of the £5m loan which was approved by Council in January 2016. At November 14 2018 there was still £380k on the facility unused and the plans and projections at that stage showed that this would not be needed. As the terms of the loan are for repayment of the capital by the end of March 2021 and the Company had (has) not breached the agreement then the loan was not due for payment and so despite having a net deficit of £711k the Company could continue to trade.

On a point of clarification, Councillor Bailey questioned where the quote attributed to her in the second bullet point of question 1 had been derived. Councillor Cane stated that it was from paragraph 1.4 of the Statement of Accounts.

Question 2

ECTC has commissioned an environmental survey. This document is a technical and lengthy document (approximately 400 pages). This can be provided on request.

32. **RECOMMENDATIONS FROM COMMITTEES**

Council considered a report U33, previously circulated, that gave details of recommendations from the Council's Committees.

a. **FINANCE & ASSETS COMMITTEE – 20 JUNE 2019**

Treasury Operations Annual Performance Review 2018/19

The Chairman of Finance and Assets Committee, Councillor David Brown, again highlighted and commended officers on the higher level of interest the Council had gained, during the last year.

Councillor Hunt highlighted and commended the compliments from Councillor Whelan regarding the Council's investment strategy recorded in the extract of the Finance and Assets Committee Minutes, but stated that he was unsure from the extract which Councillor Whelan had expressed these. Councillor Alison Whelan clarified that she had requested that her compliments be conveyed to the Finance Team for their work in achieving higher than market levels of interest on investments. Councillors Christine Whelan and Cane referred to the inappropriateness of the comment, since only Councillor Alison Whelan was a Member of the Finance and Assets Committee and Councillor Hunt had been present at the meeting referred to. The Democratic Services Manager explained that it was normal practice to differentiate in Minutes when there was more than one Councillor with the same surname serving on the Council, as was the case with Councillors Schumann and Whelan, and she would remind her staff of this for the future.

It was resolved:

That the report on the Council's Treasury operations during 2018/19 including the actual Prudential and Treasury Indicators, as set out at Appendix 1 to the submitted report, be approved.

33. **POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS REVIEW**

Council considered a report, U34 previously circulated, advising Members of the commencement, process and timetable for the review of Polling Districts, Polling Places and Polling Stations.

Councillor Hunt commended the Democratic Services Team on the efficient and professional manner in which they conducted such reviews. Councillor Brown encouraged Members to contribute to the review and referred to the need for the venue for the Polling Station in Burwell to be changed 3 times in recent years due accessibility issues.

It was resolved:

That the process and timetable for the review of Polling Districts, Polling Places and Polling Stations commencing on 30 July 2019 be noted.

34. **COMBINED AUTHORITY UPDATE REPORT**

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

It was resolved:

That the report on the activities of the Combined Authority be noted.

The meeting concluded at 6:19pm.

Chairman.....

Date: 17 October 2019

CORPORATE PLAN 2019 - 2023

Committee: Council

Date: 17 October 2019

Author: Chief Executive

[U89]

1.0 **ISSUE**

1.1 The new Corporate Plan 2019-2023 for East Cambridgeshire District Council.

2.0 **RECOMMENDATIONS**

2.1 Members are requested to:-

- (i) approve the new Corporate Plan set out in Appendix 1;
- (ii) instruct the Monitoring Officer to amend the Constitution (ref: Article 1 paragraph 1.05) to make the necessary amendments to reflect the new Corporate Plan priorities.

3.0 **BACKGROUND/CONCLUSIONS**

3.1 The new Corporate Plan 2019-2023 sets out the Council's priorities for the next four years and outlines in Appendix 1 the commitments for 2019/20.

3.2 The Corporate Plan will be reviewed and updated on an annual basis to Council.

3.3 The recommendations (if agreed) will form the basis of the performance management framework for the Council and will be reviewed by 2020 Annual Council. There will be a requirement to make consequential amendments to Article 1 of the Constitution to reflect these new priorities.

4.0 **FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT**

4.1 Any financial implications arising from the implementation of the Corporate Plan, not included in the Council's agreed annual budget, will be subject to the formal Member process.

4.2 Equality Impact Assessment not required at this stage.

5.0 **APPENDICES**

5.1 Appendix 1: Draft Corporate Plan 2019-2023 – circulated separately

Background Documents

Location

Contact Officer

Room 103
The Grange
Ely

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

Our Vision for the Future

Corporate Plan 2019-2023



	Sound Financial Management	Improving Transport	Housing	Cleaner, Greener East Cambridgeshire	Social & Community Infrastructure
Promises	<ul style="list-style-type: none"> Keep Council Tax and fees low; keep delivering great services Be more commercial, but within reason: 'commercial for community' Ensure developer contributions are used effectively to maximise community benefit Continue service reviews to minimise bureaucracy, increase efficiency and provide excellent 'can do' and 'open for business' services Maximise the benefits of devolution for all our residents, businesses and visitors within East Cambridgeshire 	<ul style="list-style-type: none"> Support better bus services: more frequent, more rural routes Improve the East Cambs Strategic Cycle/Footpath Network Support the A14/A142 junction upgrade at Exning Support the A10 dualling project, including an off road cycle path from Ely to Cambridge, the upgrade of the BP and Lancaster Way roundabouts and other junction improvements Support Soham Railway Station - Phase 1 delivery beginning September 2020 Work with Suffolk County Council to improve rail connectivity and frequency in the south of the district Work to retain road access in the Ely North railway junction upgrade Keep free car parking in our city and town centre car parks Seek land to further extend car parking at Angel Drove/The Dock 	<ul style="list-style-type: none"> Continue to support existing Community Land Trusts across the district Encourage communities to set up new Community Land Trusts Complete the purchase and deliver new homes at the Princess of Wales (PoW) site in Ely - with the CLT homes being reserved for local working people Begin delivery of Kennett Garden Village Work with the Combined Authority to deliver £100k homes Continue to secure well designed high quality places to live, including seeking developer contributions for open spaces, and walking and cycling infrastructure 	<ul style="list-style-type: none"> Develop and deliver an Environment and Climate Change Strategy, Action Plan and Communications Plan Aim for a consistent 65% recycling rate, with the help of our residents Continue to clamp down on fly-tipping, graffiti and litter and prosecute where there is evidence to do so Deliver a great street cleaning service Continue our Purge on Plastics campaign - to reduce single use plastics and encourage others across the district to do the same Support the Doubling Nature campaign Expand Ely Country Park 	<ul style="list-style-type: none"> Continue to run a great homelessness prevention service Support the delivery of a new hospital at the Princess of Wales site in Ely, including a full Local Urgent Care Service and new GP provision Implement a 33% business rates cut for local High Street retailers - funded by Central Government Develop Market Town Strategies in Littleport, Ely and Soham - funded by the Combined Authority, worked up locally Support improvements to sporting and leisure facilities
Our Commitment in 2019/20	<ul style="list-style-type: none"> East Cambs Trading Company will deliver its Business Plan to protect and invest in priority services and meet the Council's commitment to deliver its Medium Term Financial Strategy Investigate a Commercial Waste collection service Continue service reviews to minimise bureaucracy, increase efficiency and provide excellent 'can do' and 'open for business' services Continue to engage positively with the Combined Authority to ensure the District receives the maximum available benefit 	<ul style="list-style-type: none"> Establish a Bus Review working party to inform a detailed bus services plan for consideration by the Combined Authority Identify the current 'gaps' in the Cycle/Footpath network across the district and seek funding opportunities to improve the network over time Work with the Combined Authority and local agencies to support improvements to the A14/A142 junction at Exning Work with Cambridgeshire County Council to complete the BP and Lancaster Way roundabouts study and provide funding from developer contributions Work positively with the Combined Authority to progress Phase 2 of Soham Railway Station Work with partners to push for improvements to the eastern section of the East West Rail Link Work with partners to push for a half hourly passenger rail service from Ipswich to Cambridge, by addressing line and junction constraints Continue to support the Ely Area Capacity Enhancements as long as it includes a road solution at Queen Adelaide Continue to seek opportunities to increase the commuter car parks in Ely 	<ul style="list-style-type: none"> Commence the Community Land Trust development in Haddenham in Autumn 2019 Work with communities and the Combined Authority across the district to establish and develop new Community Land Trusts Commence refurbishment works at the PoW Ely site and deliver 15 affordable shared ownership homes Submit a planning application for Phase 2 of the PoW Ely Site which will secure at least 30% affordable housing and seek ways to increase this percentage Finalise the Section 106 Agreement for Kennett Garden Village and issue planning permission Finalise a model for the delivery of Kennett Garden Village Identify site opportunities for £100k homes Develop new supplementary planning documents (SPDs): Developer Contributions SPD; Design Guide SPD; Natural Environment SPD; Custom & Self Build SPD Finalise the strategy for redevelopment of the Paradise Pool site in Ely 	<ul style="list-style-type: none"> Develop and adopt an Environment and Climate Change Strategy and Action Plan, and accompanying Communications Plan Continue the Michael Recycle campaign, including education in schools across the District and targeting of areas with low rates of recycling Work with Government and RECAP to be ready for changes to waste and recycling services Support East Cambs Street Scene to achieve stretch targets for street cleaning Continue to deliver the actions in the Purge on Plastics campaign Develop a Natural Environment SPD Acquire land that protects the setting of the Country Park Begin to allocate CIL funds to prepare the Council for the transfer of Church Commissioner country park land in future years Work with local stakeholders to design the Country Park expansion 	<ul style="list-style-type: none"> Work towards the National Practitioner Support Service Gold standard in Housing Allocate resources to assist the NHS in a capital bid for redevelopment of the PoW Hospital Begin to allocate CIL contributions from North Ely developments to prepare for new and increased GP provision Reflect retail tax relief in 2019/20 budget and include provision in the 2020/21 budget Submit the Littleport Vision 2030 to the Combined Authority for adoption Approve terms of reference for the Ely and Soham Market Town Strategies Work with local stakeholders to develop market town strategies in Ely and Soham Work with local leisure trusts to develop performance improvement plans

SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES

Committee: Council

Date: 17 October 2019

Author: Democratic Services Manager

[U90]

Member Body	Report No.
<p>1. FINANCE AND ASSETS COMMITTEE – 26 SEPTEMBER 2019</p> <p>(i) <u>Anti-Fraud and Corruption Strategy</u></p> <p>The Finance Manager presented a report which advised Members of the need to review and update the section of the Council’s Constitution relating to the Anti-Fraud and Corruption Strategy.</p> <p>It was noted that the current Strategy was approved by Full Council in May 2016. The revised document had not changed significantly but references had been changed in various places and more detail provided where necessary.</p> <p>An anti-money laundering policy statement had previously been approved by Council in 2012 as a stand-alone document, but it did not form part of the Constitution and had not been updated since that time. The new Anti-Fraud and Corruption Strategy now incorporated a revised money laundering policy statement, thereby ensuring that the policy gained a greater prominence as part of the Constitution.</p> <p>Councillor Cane noted that no reference was made to a Register of Gifts & Hospitality and the Director Commercial assured her that such a register was kept. Councillor Cane duly proposed that the Register should come to Committee on an annual basis and the motion having been seconded by Councillor Bovingdon, was declared carried.</p> <p>Councillor Harries said that having looked through the details of the Strategy, he was against the kind of assertions being made in relation to the culture of the Council, because local authorities had always received public complaints regarding corruption. He felt it would be interesting to review the whole area of openness and make</p>	<p>U64 attached as Appendix A</p>

sure that the Council was living up to it. Communications were also a concern and should be systematically looked at in order to improve them.

Councillor Trapp raised the issue of whistleblowing and was advised that the Legal Services Manager was looking at refreshing the current policy; it would come to this Committee with a recommendation of adoption by Full Council.

It was resolved to RECOMMEND TO FULL COUNCIL:

That the updated Anti-Fraud and Corruption Strategy, as attached at Appendix 1 to the report, be adopted.

(ii) ECTC BUSINESS PLAN 2019/20

The Committee considered a report that detailed the ECTC Business Plan for 2019/20.

The Director Commercial advised Members that the Finance Manager, ECDC, would take over as Lead Officer for the Committee during consideration of this item, and she would speak in her capacity as a director of the Trading Company. For the benefit of the new Members of the Committee, she introduced Phil Rose, Head of Development, Palace Green Homes and Nigel Ankers, Finance Manager, ECTC.

The annual Business Plan was produced and considered by the then Shareholder Committee on 11th February 2019. The Committee requested further specific financial information to be included in the Plan and this was appended as an exempt appendix.

The Business Plan set out the two key business areas, the first being Commercial Services which currently delivered Ely Markets and Grounds Maintenance, and the second being Property & Community Housing. It was noted that both areas carried out business on behalf of ECDC as well as other customers.

The document also contained details relating to Service Level Agreements, the Board of Directors, Managing Director and Company Secretary and the Company's structural relationship with East Cambridgeshire District Council.

U77 attached as Appendix B

The Director Commercial said that an individual Risk Management Plan would be drawn up for Property & Community Housing.

Members were advised that with regard to the table of current CLT projects in East Cambridgeshire, the Stretham & Wilburton CLT might change as it went through the planning process, but they did not want to be prescriptive. In connection with this, Councillor Hunt asked whether the CLT homes were to be built at Camps Field or Hinton Way. The Director Commercial replied that she was unable to answer this today as the officer dealing with it was on leave, but she would provide Members with a written response early next week.

Councillor Cane said she could not support the Business Plan for a number of reasons. Given the current climate and housing emergency, there was nothing in the Plan about sustainable, secure housing. She believed the Company Directors were displaying a cavalier attitude towards the Finance & Assets Committee as the Trading Company's quorum required the presence of one elected Member and one should be present today. The Committee had received some of the papers late and the accounts were not presented; officers were aware of the deadlines and should have provided everything in good time.

Councillor Harries believed that Kennett should be shown as a risk to the Company rather than an asset. The structure of the Board caused him considerable concern in that the Chairman was not named and he saw the Chief Executive as being a major risk due to a conflict of interests. He continued, saying that the Trading Company could cause major harm to the Council and its executives were showing contempt by not being present today to be held to account. In view of this, he felt that the Business Plan could not be approved.

In the absence of further comments, it was proposed by the Chairman and seconded by Councillor Hunt that Full Council be recommended to approve the Business Plan. When put to the vote, the motion was declared carried by majority and,

It was resolved to RECOMMEND TO FULL COUNCIL:

That the ECTC Business Plan 2019/20 be approved.

TITLE: ANTI-FRAUD AND CORRUPTION STRATEGY

Committee: Finance and Assets Committee

Date: 26th September 2019

Author: Finance Manager

[U64]

1. ISSUE

Part 4, Section 7 of the Constitution details the Council's Anti-Fraud and Corruption Strategy (page 4(55)). This section of the Constitution has not been up-dated since 2016 and is therefore in need of review and up-date.

2. RECOMMENDATION

- 2.1 Members are asked to recommend to Full Council the adoption of the updated Anti-Fraud and Corruption Strategy as attached as appendix 1 to this report.

3. BACKGROUND/OPTIONS

- 3.1 As part of the Constitution, the Anti-Fraud and Corruption Strategy needs to be approved for adoption by Full Council. However, it is felt appropriate to first bring it to this Committee to ensure that a full review takes place of the new content before being presented to Council.
- 3.2 The current Strategy was approved by Full Council in May 2016 and is therefore in need of an up-date.

4. ARGUMENTS/CONCLUSIONS

- 4.1 The revised Strategy is attached as Appendix 1 to this report. This is not significantly changed since the version approved in 2016, but references have been changed in various places and more detail provided where necessary.
- 4.2 The Council previously approved an anti-money laundering policy statement in September 2012, but this was a stand-alone document which has not previously formed part of the Constitution and has not been up-dated since this time. The new Anti-Fraud and Corruption Strategy now has a revised money laundering policy statement as its appendix b, thus ensuring that this policy gains a greater prominence as part of the Constitution.
- 4.3 Internal Audit have played a major part in the up-date of the Strategy, both assisting in the drafting and in reviewing the final documents as are now

attached for your approval. They are comfortable that they provide a best practice approach to anti-fraud and corruption moving forward.

4.4 Management Team have also reviewed the documents and are comfortable that they provide the Council with the required safeguards.

5 APPENDICES

5.1 Draft Anti-Fraud and Corruption Strategy

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
	Room 104 The Grange Ely	Ian Smith Finance Manager Tel: (01353) 616470 E-mail: ian.smith@eastcambs.gov.uk

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

CONSTITUTION**7. ANTI-FRAUD AND CORRUPTION STRATEGY****1.0 INTRODUCTION**

- 1.1 East Cambridgeshire District Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. The Council has a zero tolerance stance to all forms of fraud, corruption and theft, both from within the Council and from external sources.
- 1.2 Good corporate governance requires that the Council must demonstrate that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators both from inside and outside the Council. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. This strategy will not compromise any equalities legislation or any associated Council policies.
- 1.3 In addition, by minimising losses through fraud the Council ensures that the scarce resources available are used for the purposes they were intended for i.e. to support the delivery of the objectives set out in the Corporate Plan.
- 1.4 The strategy applies to councillors, employees, contractors/suppliers, partners, consultants, agency and contracted staff, service users, volunteers and members of the public. All are expected to demonstrate integrity and honesty and offer assistance where necessary.
- 1.5 This strategy has been created with due regard to current best practice. It embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such an act occurs. For ease of understanding, it is separated into five areas:
- Culture Section 2
 - Prevention and responsibilities Section 3
 - Deterrence Section 4
 - Detection and investigation Section 5
 - Awareness and training Section 6

The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as External Audit, the Local Government Ombudsman, Central Government Departments (including HM Revenue and Customs and the Department for Work and Pensions), and the Media. The Council welcomes such scrutiny.

- 1.6 Fraud is defined as “*the intentional distortion of financial statements or other records by persons internal or external to the Council which is carried out to conceal the misappropriation of assets or otherwise for gain*”.

The Fraud Act 2006 which came into effect on 15th January 2007 created a new general offence of fraud with three ways of committing it: -

□

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

It also created new offences: -

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders

Corruption is defined as “*the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person*”.

In addition, this strategy covers “*the failure to disclose an interest in order to gain financial or other pecuniary benefit*”.

- 1.7 The Council also abides by the provisions of the Bribery Act 2010 that covers, amongst other things, the offences of bribing another person, of accepting a bribe and organisational responsibility. The Council’s Policy Statement covering the Bribery Act is included as Appendix A to this strategy.
- 1.8 Theft is defined as “*appropriating property belonging to another with the intention of permanently depriving the other of it*”. Incidents of theft should also be reported to the Council’s insurance team at insurance@eastcamborough.gov.uk.
- 1.9 The Council further has a money laundering policy aimed at preventing the Council becoming inadvertently involved in such activity. Details of this are included in Appendix B.

2.0 CULTURE

- 2.1 The culture of the Council has always been one of openness and the core values of fairness; trust and value support this. The Council’s culture therefore supports the opposition to fraud and corruption.
- 2.2 The prevention/detection of fraud and corruption and the protection of the public purse are everyone’s responsibility.
- 2.3 The Council’s elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence.
- 2.4 Concerns must be raised when members or employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:
- a criminal offence
 - a failure to comply with a statutory or legal obligation
 - improper unauthorised use of public or other funds
 - a miscarriage of justice
 - maladministration, misconduct or malpractice
 - endangering of an individual’s health and safety

- damage to the environment
- deliberate concealment of any of the above.

2.5 Depending on the nature of the concerns, these should initially be raised with a line manager. Where this is not appropriate, or an individual feels unable to do so, the Council's Monitoring Officer, Finance Manager or Internal Audit should be approached. The Council also has a Whistleblowing Policy which enables concerns to be raised in confidence. The Council will ensure that any allegations received in any way, including by anonymous letters or phone calls, will be taken seriously and investigated in an appropriate manner, subject to the requirements of the Human Rights Act 1998.

2.6 The Council will deal firmly with those who defraud the Council, or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees raising malicious allegations) may be dealt with as a disciplinary matter.

2.7 When fraud or corruption have occurred because of a breakdown in the Council's systems or procedures, the Chief Executive, Directors and the relevant Service Lead will ensure that appropriate improvements in systems of control are implemented to prevent a reoccurrence. The Council's Internal Audit service will assist in reviewing the control environment and following up on actions arising.

3.0 **PREVENTION AND RESPONSIBILITIES**

ELECTED MEMBERS

3.1 The Role of Elected Members

3.1.1 As elected representatives, all members of the Council have a duty to citizens to protect the Council from all forms of abuse.

3.1.2 This is conducted through the Anti-fraud and Corruption Strategy and compliance with the Code of Conduct for Members, the provisions of the Council's Constitution (including the Council's Financial Procedure Rules) and relevant legislation.

3.1.3 Elected members sign to the effect that they have read and understood the Code of Conduct when they take office. These conduct and ethical matters are specifically brought to the attention of Members during induction and include the declaration and registration of interests. The Monitoring Officer advises Members of new legislative or procedural requirements.

EMPLOYEES

3.2 The Role of Managers

3.2.1 Managers at all levels are responsible for the communication and implementation of this strategy in their work area. They are also responsible for ensuring that their employees are aware of the Financial Procedure Rules and the provisions of the Council's Constitution, and that the requirements of each are being met in their everyday business activities. In addition, managers must make their employees aware of the requirements of the code of conduct for local government employees through the induction process.

3.2.2 Managers are expected to strive to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. All

managers must be aware of, and consistently apply, the Council's Whistleblowing Policy.

- 3.2.3 Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll and the creditor payments systems. Managers must ensure that relevant training is provided for employees. Checks must be carried out at least annually to ensure that proper procedures are being followed.
- 3.2.4 The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts. The Council's Equal Opportunities Policy will be adhered to during this process.
- 3.2.5 The Council has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held. As with other public bodies, Disclosure and Barring Service (DBS) checks are undertaken on employees working in regulated activities. Further checks will be introduced in areas where an increased risk of potential fraud and corruption has been identified.

3.3 Responsibilities of Employees

- 3.3.1 Each employee is governed in their work by the provisions of the Council's Constitution, the Financial Procedure Rules and other codes of conduct and policies (e.g. human resources policies and procedures, the email and internet code of practice, and IT security policy). They are also governed by the code of conduct for local government employees. Included in these are guidelines on gifts and hospitality and codes of conduct associated with professional and personal conduct and conflicts of interest. These are issued to all employees when they join the Council or will be provided by their manager.
- 3.3.2 In addition, employees are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Council. These will be included in induction training and procedure manuals.
- 3.3.3 Employees who hold professional, trade or other appropriate qualifications are expected to comply with codes of conduct issued by the organisations of which they are members.
- 3.3.4 Employees are expected always to be aware of the possibility that fraud, corruption bribery or theft may exist in the workplace and be able to share their concerns with management. If for any reason, they feel unable to speak to their manager they must refer the matter to one of those named in paragraph 3.3.5 below.
- 3.3.5 Concerns must be raised, in the first instance, directly with the supervisor or direct line manager or, if necessary, anonymously (by letter or phone), and via other routes, in accordance with the Council's Whistleblowing Policy:
- to Service Leads, Directors and the Chief Executive and in all cases to the Council's Monitoring Officer who will report such concerns to the Head of Internal Audit;
 - directly to the Head of Internal Audit; or
 - to the External Auditor, who, depending upon the nature of the concern, will liaise with the Head of Internal Audit.

- 3.3.6 This strategy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.
- 3.4 Conflicts of Interest
- 3.4.1 Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues, etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.
- 3.5 Internal Control Systems
- 3.5.1 Appropriate policies and procedures will be maintained to ensure that internal controls designed to prevent or detect fraud and corruption are built into the Council's systems of operation.
- 3.5.2 In addition to the Financial Procedure Rules and the provisions of the Council's Constitution, individual service areas may have their own procedures to prevent and detect fraud. There may also be audit reports that recommend methods to minimise losses to the Council. Managers and employees must be made aware of and be expected to adhere to these various sources of guidance and alter their working practices accordingly.
- 3.6 The Role of Internal Audit
- 3.6.1 Under the Accounts and Audit Regulations, the Council has the responsibility for reviewing, appraising and reporting upon the extent to which the Council's assets and interests are safeguarded from losses due to fraud and other offences; this function is performed by Internal Audit. Internal Audit investigates all cases of suspected irregularity, except benefit, council tax discount and national non domestic rates (NNDR) fraud (see below), in accordance with the requirements of the Human Rights Act 1998. They liaise with management to recommend changes in procedures to prevent further losses to the Council.
- 3.7 The Role of the Anglia Revenues Partnership & Single Fraud Investigation Service
- 3.7.1 The Council is responsible for the payment of housing benefit and council tax discounts within the East Cambridgeshire area. This function is provided through the Council's participation with a number of other councils in the Anglia Revenues Partnership (ARP). The Council has a duty to minimise the scope for fraud in this area and protect public funds by ensuring that benefits and discounts are only delivered to those with a true entitlement to them.
- 3.7.2 The Anglia Revenues Partnership (ARP) Fraud and Investigations Team is responsible for all suspected council tax discount fraud and NNDR fraud investigations, in accordance with the requirements of The Regulation of Investigatory Powers Act 2000, the Human Rights Act 1998 and its own Counter Fraud Policy. In cases where employees are involved, they will work with Internal Audit, Human Resources and appropriate senior management to ensure that correct procedures are followed and that this strategy is adhered to.
- 3.7.3 From September 2015 the investigation of suspected or alleged housing benefit fraud is undertaken by the new Single Fraud Investigation Service, a partnership between the DWP Fraud Investigation Service, HMRC and local authorities.

3.8 The Role of External Audit

3.8.1 Independent external audit is an essential safeguard in the stewardship of public money. Whilst detection of fraud is not the primary role of external audit they have a responsibility to review the Council's arrangements to prevent and detect fraud and irregularity, and arrangements designed to limit the opportunity for corrupt practices.

3.9 Co-operation with Others

3.9.1 Internal Audit has set up, and will keep under review, procedures and arrangements to develop and encourage the exchange of information on national and local fraud and corruption activity in relation to local authorities with external agencies such as:

- Police
- External Audit
- Professional bodies – including the Chartered Institute of Public Finance and Accountancy
- Central government including the Department for Work and Pensions and HM Revenues and Customs
- Local Government Ombudsman's Office
- Association of Council Secretaries and Solicitors

3.9.2 The Council will also support local forums where matters of anti-fraud and anti-corruption are discussed. These include:

- Cambridgeshire Audit Group
- LGSS Audit and Counter Fraud client base

3.10 Data Matching

3.10.1 The Council will participate in national and local data matching exercises as it sees appropriate for the purposes of identifying and reducing fraud, corruption and error.

3.10.2 In particular, the Council takes an active part in the National Fraud Initiative (NFI) as organised by the Cabinet Office. This involves a rolling programme of electronic data extraction, data matching, review and investigation of matched reports and reporting on outcomes. The extracted data is matched with other data from public sector organisations to highlight potential fraudulent activity.

3.11 Social Housing Fraud

3.11.1 The Prevention of Social Housing Fraud Act 2013 created new criminal offences of unlawful sub-letting by secure and assured tenants of social housing. This Act supplements existing offences relating to fraudulently obtaining an allocation of social housing and fraudulently obtaining housing benefits. The Act also includes more powers for local authorities to investigate social tenancy fraud through better access to data from banks and utility companies; although councils could previously request this data, organisations were able to refuse to provide it – under the Act compliance is mandatory.

3.11.2 Social housing fraud is a very significant problem nationally and arises when individuals:

- are allocated a social housing property (a property owned by a registered housing provider or local authority) when they are not entitled to it by lying about their circumstances;
- obtain housing benefit and/or council tax discount they are not entitled to; and
- unlawfully sub-let their social housing property.

3.11.3 Social housing fraud prevents housing from being properly allocated to the people who need it most. It also undermines confidence in the housing allocation system while preventing and detecting fraud stops public money being wasted.

3.11.4 Members of the public are encouraged to report their concerns via the dedicated fraud reporting mailbox - reportfraud@eastcambs.gov.uk

4.0 DETERRENCE

4.1 The best deterrent is a clear framework of processes and responsibilities, which make fraud and corruption hard to perpetrate and will be likely to expose fraud and corruption at the earliest opportunity. The following are those related policies and documents that support the anti-fraud and anti-corruption culture:

- Constitution – which includes the Financial Procedure Rules, Member Code of Conduct and Contract Procedure Rules
- Employee Code of Conduct
- Whistleblowing Policy
- Fraud Response Plan

4.2 The risk of fraud cannot be dealt with in isolation. Management of the risk of fraud is a key aspect of corporate governance and it is essential that all members and staff should have a level of understanding of this strategy. However, some individuals have specific leadership roles and responsibilities and these are identified within Section 3 (Prevention) above.

4.3 Prosecution and recovery

4.3.1 Wherever possible the following actions will be taken where investigation supports suspicions of fraudulent or corrupt activity:

- appropriate disciplinary action will be taken in accordance with the Council's disciplinary procedures
- criminal proceedings will be brought whenever appropriate, should the Crown Prosecution Service decide a prosecution can be pursued
- civil proceedings will be brought to recover lost assets whenever appropriate

4.3.2 Other forms of redress to recover losses (such as making a claim against insurance cover or recovering from pension funds) or to prevent further fraudulent activity by the perpetrator, (such as notifying their professional body) will also be used wherever appropriate.

4.3.3 Sanctions applied in relation to cases of housing benefit and/or council tax discount fraud will be applied in accordance with the ARP Counter Fraud Policy. Options include formal cautions, administrative penalties and prosecution.

4.4 Disciplinary Action

4.4.1 Theft, fraud and corruption are serious offences against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner, after consultation with the Chief Executive (the police will pass valid cases to the Crown Prosecution Service).

4.4.2 Members will face appropriate action under this strategy if they are found to have been involved in theft, fraud or corruption against the Council. Action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner including possible referral to the police. If the matter is a breach of the Code of Conduct for Members then it will be dealt with in accordance with the arrangements agreed by the Council in accordance with the Localism Act 2011.

4.5 Publicity

4.5.1 The Council's public relations unit will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. They will also try to ensure that the results of any action taken, including prosecutions, are reported in the media.

4.5.2 In all cases where financial loss to the Council has occurred, the Council will seek to recover the loss and advertise this fact. In addition to demonstrating the action the Council takes to prevent and detect fraud, it protects itself and the services it provides against the results of fraud within the organisation by obtaining Fidelity Guarantee Insurance.

4.5.3 All anti-fraud and corruption activities, including the update of this strategy, will be publicised in order to make members, employees and the public aware of the Council's commitment to taking action on fraud and corruption when it occurs.

4.5.4 Reports will be made to the Finance and Assets Committee about countering fraud and corruption activities and their success when appropriate.

5.0 DETECTION AND INVESTIGATION

5.1 Internal Audit plays an important role in the detection of fraud and corruption. Included in its strategic plan are reviews of system financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

5.2 In addition to Internal Audit, there are numerous systems controls in place to deter fraud and corruption, but it is often the vigilance of employees and members of the public that aids detection.

5.3 In some cases frauds are discovered by chance or 'tip-off' and arrangements are in place to enable such information to be properly dealt with, in accordance with the requirements of the Human Rights Act 1998.

5.4 All suspected irregularities are required to be reported (verbally or in writing) either by the person with whom the initial concern was raised or by the originator, as per

paragraph 3.3.5 (including via the Council's Whistleblowing Policy). External Audit will also be notified of all frauds involving sums over £10,000 and any corrupt acts. This is essential to the strategy, and:

- ensures the consistent treatment of information regarding fraud and corruption; and
- facilitates a proper and thorough investigation by an experienced audit team, in accordance with the requirements of the Human Rights Act 1998.

5.5 This process will apply to all the following areas:

- a) fraud/corruption by elected members
- b) internal fraud/corruption
- c) other fraud/corruption by Council employees
- d) fraud by contractors' employees
- e) external fraud (the public).

5.6 Cases under a), d) and e) would normally be referred directly to the External Auditor, Ombudsman or the police.

5.7 If the initial investigation reveals that a full investigation is warranted the Council will invoke the Council's Fraud Response Plan and where applicable the Council's Disciplinary Procedure.

5.8 Any decision to refer a matter to the police will be taken by the Chief Executive in consultation with the Head of Internal Audit, Chief Financial Officer and Monitoring Officer. The relevant Director and Service Lead will be notified if appropriate. The Council will normally wish the police to be made aware of, and investigate independently, offences where financial impropriety is discovered. Any internal investigation will be conducted professionally and in consultation with the police so as to avoid jeopardising any evidence or potential outcomes of related criminal investigation.

5.9 Depending on the nature of an allegation under b) to e), Internal Audit will normally work closely with the relevant Director and Service Lead concerned and the Chief Financial Officer to ensure that all allegations are thoroughly investigated and reported upon.

5.10 The Council's disciplinary procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. The processes as outlined in paragraph 4.4.2 will cover members.

5.11 If there is a suspicion that an offence of money laundering may have taken place the Money Laundering Reporting Officer (Finance Manager) may refer the matter to the National Crime Agency. Further details are provided in Appendix B to this strategy.

6.0 AWARENESS AND TRAINING

6.1 The Council recognises that the continuing success of this strategy and its general credibility will depend in part on the effectiveness of programmed training and an awareness of fraud by elected members and employees across the Council.

6.2 To facilitate this, positive and appropriate provision has been made via induction and for employees via their development plans. This includes specialist training for certain elected members and employees.

6.3 A leaflet on the Council's Whistleblowing Policy is distributed to all employees and members, and full copies of all relevant policies and strategies are available on the Council's Intranet.

7.0 CONCLUSION

7.1 The Council has always prided itself on setting and maintaining high standards and a culture of openness, with core values of fairness, trust and value. This Strategy fully supports the Council's desire to maintain an honest organisation, free from fraud and corruption

7.2 The Council has in place a network of systems, policies and procedures to assist it in dealing with fraud and corruption when it occurs. It is determined that these arrangements will keep pace with any future developments in techniques to both prevent and detect fraudulent or corrupt activity that may affect its operation.

7.3 The Council will maintain a continuous review of all these systems and procedures through Internal Audit. This strategy will be reviewed periodically to ensure that it remains compliant with good practice and meets the needs of the Council.

Appendix A

BRIBERY ACT 2010 - POLICY STATEMENT

Bribery is a criminal offence. We (East Cambridgeshire District Council) do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, neither do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have a zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual” rather than as a one-off exercise.

Objectives of this policy

This policy statement provides a coherent and consistent framework to enable East Cambridgeshire District Council employees to understand and implement arrangements to comply with the requirements of the Bribery Act 2010. In conjunction with other related policies and key documents, it will also enable employees to identify and effectively report a potential breach.

We require that all employees, including those permanently employed, temporary agency staff and contractors:-

- act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible
- comply with the spirit, as well as the letter, of laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities

Scope of this policy

This policy applies to all of the Council’s activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the Council. It does not rest solely within assurance functions, but in all service area and functions.

This policy covers all staff, including all levels and grades, those permanently temporary employed, temporary agency staff, contractors, agents, Members, volunteers and consultants.

The Council’s commitment to action

The Council commits to:-

- setting out a clear anti-bribery policy and keeping it up to date
- making all employees aware of their responsibilities to adhere strictly to this policy

- training all employees so that they can recognise and avoid the use of bribery by themselves and others
- encouraging employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all employees to report breaches and suspected breaches of this policy
- include appropriate clauses in contracts to prevent bribery.

Definition of bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is unacceptable to:-

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy

Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and hospitality

The Council’s policy regarding the acceptance of gifts or hospitality from a third party is set out in the Officer Code of Conduct.

Public contracts and failure to prevent bribery

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where

it is convicted of a corruption offence. There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts and so the Council has the discretion to exclude organisations convicted of this offence.

The Bribery Act

There are four key offences under the Act:-

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

Is the Council a “commercial organisation”

The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made”. There are circumstances in which we will be a commercial organisation for the purposes of section 7. This policy is intended to ensure that we have in place the necessary procedures to act as a defence to a section 7 offence.

Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:-

- On conviction in a magistrates court, to imprisonment for a maximum term of twelve months, or to a fine not exceeding £5,000, or both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations guilty of an offence under section 7 are liable to an unlimited fine. In addition a public exposure, or even an allegation, of bribery would entail severe reputational damage.

Bribery is a serious offence against the Council and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

Adequate Procedures

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the Council. The Government considers that procedures put in place by commercial organisations wishing to prevent bribery being committed on their behalf should be informed by six principles:-

- Proportionality
- Top level commitment
- Risk assessment
- Due diligence
- Communication (including training)
- Monitoring and review

These principles are not prescriptive, but are intended to be flexible and outcome focussed, allowing for the different circumstances of organisations. For example, small organisations will face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

The Council is committed to proportional implementation of these principles.

Anti Bribery procedures

The Council's Anti Bribery procedures cover the six principles detailed above:-

Proportionality – The Council has reviewed a number of its policies to ensure that it has in place procedures to prevent bribery by persons associated with it. These will be proportionate to the bribery risks faced by the Council and to the nature, scale and complexity of the Council's activities.

Top level commitment – The Chief Executive, Directors and Service Leads are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

Risk assessment – The nature and extent of the Council's exposure to potential external and internal risks of bribery by persons associated with it will be periodically assessed. This includes financial risks but also other risks such as reputational damage.

Due diligence – The Council takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

Communication (including training) – The Council will seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal communication, including training that is proportionate to the risks it faces.

Monitoring and review – Procedures designed to prevent bribery will be monitored and reviewed and improvements made where necessary.

Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches the policy.

You must therefore:-

- ensure that you read, understand and comply with this policy
- raise concerns as soon as possible if you believe or suspect that a conflict with the policy has occurred, or may occur in the future

As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

Raising a concern

If you have a concern regarding a suspected instance of bribery or corruption then you can report this through the Council's whistle blowing procedure where concerns can be made anonymously. In the event that an incident of bribery is reported, we will act as soon as possible to evaluate the situation.

If you have any questions about these procedures, please contact Trevor Bowd, Principal Auditor on 01353 616219 or email trevor.bowd@eastcambs.gov.uk

Appendix B

Anti-Money Laundering – Policy statement

Introduction

The Proceeds of Crime Act 2002, the Terrorism Act 2000 and Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 place obligations on the Council and its employees to establish internal procedures to prevent the use of their services for money laundering and the prevention of terrorist financing. The Council must also appoint a Money Laundering Reporting Officer (MLRO) to receive disclosures from employees of money laundering activity.

We are committed to robust arrangements to identify and prevent any attempts to use East Cambridgeshire District Council to launder money. Offences under money laundering legislation may be committed by individuals or organisations, and money laundering is widely defined as “possessing, concealing, disguising or in any way dealing with the proceeds of any crime by any person known or unknown”.

When a person knows or suspects that money laundering activity is taking place (or has taken place), or becomes concerned that their involvement in a matter may amount to a prohibited act under the legislation, they must report this as soon as practicable to the Money Laundering Responsible Officer (MLRO) or risk prosecution. Offences under the Proceeds of Crime Act and Money Laundering Regulations can attract penalties of unlimited fines and up to 14 years imprisonment.

This policy has been written so as to enable us to meet the legal requirements in a way that is proportionate to the risk of contravening the legislation. It also serves to protect the Council’s employees through making them aware of their personal obligations and providing a mechanism for them to raise any issues of concern.

Scope

This policy applies to all employees and agency workers.

This policy aims to maintain the high standards of conduct that currently exist within by preventing criminal activity through money laundering. The separate Anti-Money Laundering - Employee Guidance sets out the steps that must be followed to comply with its legal obligations.

Further information is set out in the Anti-Money Laundering - Employee Guidance which is available to all staff.

Definition

The introduction of the Proceeds of Crime Act 2002 and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 has broadened the definition of money laundering and has widened the range of activities controlled by the statutory framework. Money laundering has been defined as:

- concealing, disguising, converting, transferring or removing criminal property from the UK;
- entering into or becoming concerned in an arrangement which a person knows or suspects facilitates the acquisition, retention, use or control of criminal property;
- acquiring criminal property, using criminal property; or possession of criminal property.

These are the primary money laundering offences and thus prohibited acts under the legislation. In addition, an offence of “Tipping off” can be committed should an individual make a disclosure that is likely to prejudice a current or potential investigation into any potential money laundering.

Potentially any employee could contravene the money laundering provisions if they know or suspect money laundering and either become involved with it in some way and/or do nothing about it.

Whilst the risk of contravening the legislation is low, it is extremely important that all employees are familiar with their legal responsibilities - serious criminal sanctions may be imposed for breaches of the legislation.

Council obligations

To comply with statutory obligations we have:

- Nominated a Money Laundering Reporting Officer (“MLRO”) to receive disclosures from employees of money laundering activity;
- Nominated a deputy Money Laundering Reporting Officer; and
- Implemented a procedure to enable the reporting of suspicions of money laundering and communicated this policy to members of staff.

The Money Laundering Reporting Officer

The officer nominated to receive disclosures concerning potential money laundering activity is the Council’s Finance Manager and their contact details are set out in the Anti-Money Laundering - Employee Guidance. Also provided within the employee guidance is a template form for making a referral to the Finance Manager.

In the absence of the Finance Manager, the Deputy Money Laundering Reporting Officer is the Senior Accountant.

Contact details for the Money Laundering Reporting Officer and Deputy are provided on the Council’s intranet pages and the supporting employee guidance.

Further information

If you have any questions about these procedures, please contact Trevor Bowd, Principal Auditor on 01353 616219 or email trevor.bowd@eastcambs.gov.uk

TITLE: ECTC BUSINESS PLAN 2019/20

Committee: Finance & Assets Committee

Date: 26 September 2019

Author: Director Commercial

[U77]

1.0 ISSUE

1.1 To consider the ECTC Business Plan 2019/20.

2.0 RECOMMENDATION

2.1 Members are requested to recommend approval of the ECTC Business Plan 2019/20 to Full Council.

3.0 BACKGROUND/OPTIONS

3.1 In accordance with the Shareholder Agreement ECTC is required to produce an annual business plan for approval by Council.

3.2 The annual business plan was produced and considered by the Shareholder Committee on 11 February 2019. The Committee requested further information to be included in the business plan. Specifically, further financial information. This has been produced and is appended to the business plan as an exempt appendix.

4.0 ARGUMENTS/CONCLUSIONS

4.1 ECTC has produced the Business Plan 2019/20 (Appendix 1 (to follow)), which will be considered by the ECTC board of directors on the 19 September 2019. The business plan will be circulated and published as soon as practicably possible after 19 September 2019.

4.3 The ECTC Business Plan 2019/20 has been produced in compliance with the Shareholder Agreement and sets out the key business that will be conducted by ECTC during 2019/20.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implication arising from this report.

5.2 EIA not required.

6.0 APPENDICES

6.1 Appendix 1- ECTC Business Plan 2019/20

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room 105, The Grange, Ely	Emma Grima Director Commercial (01353) 616960 E-mail: emma.grima@eastcambs.gov.uk



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

East Cambs
Trading CO. Ltd

ECTC BUSINESS PLAN

2019/20

1. INTRODUCTION

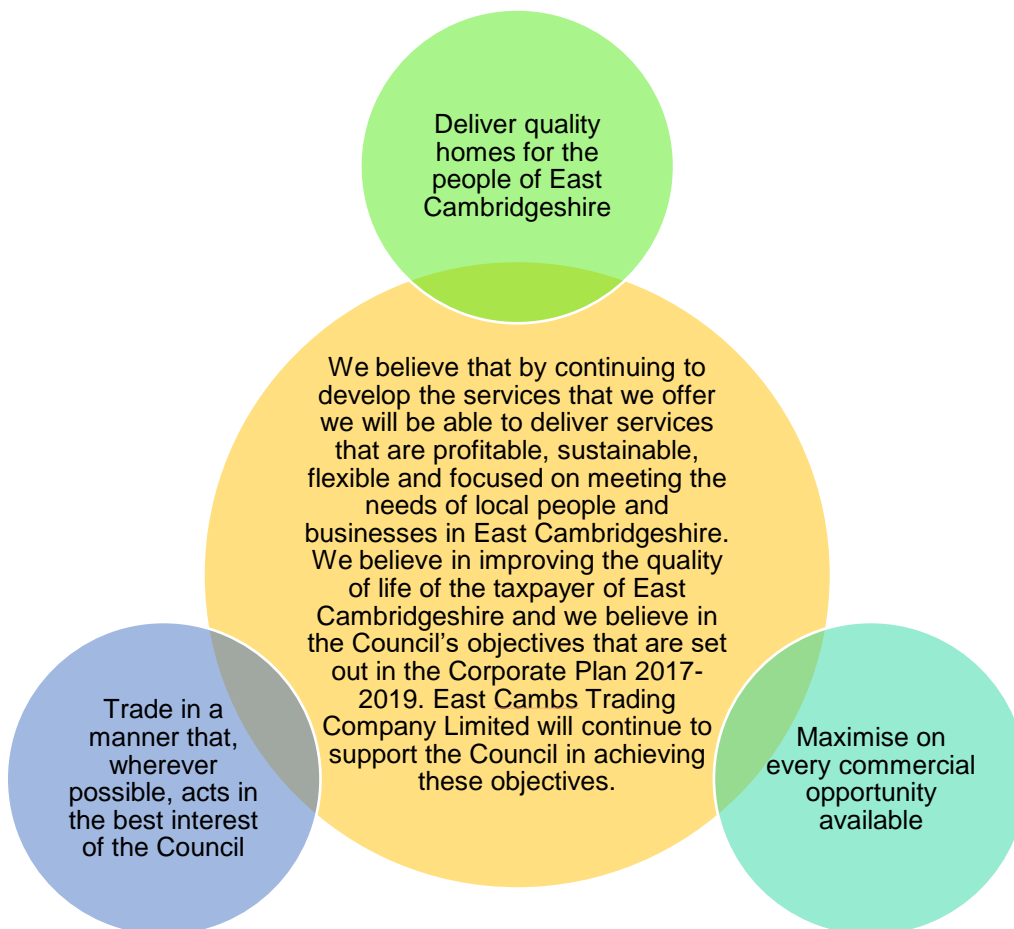
This Business Plan is designed to provide an overview and detail of the:

- ❖ Governance structure
- ❖ Financial overview
- ❖ Risk Management
- ❖ Board and Management Structure
- ❖ Commercial Services
- ❖ Property and Community Housing

East Cambs Trading Company (ECTC) is a private company limited by shares that is wholly owned by East Cambridgeshire District Council (ECDC). ECTC operates at 'arm's length' from ECDC with an independent board for operational decision making.

Working with ECDC the following drivers were established:

- ❖ Balance the Budget
- ❖ Improve Services
- ❖ Build New Homes
- ❖ Maximise Devolution Opportunities
- ❖ Promote Open for Business and 'Can Do' Attitude



2. BACKGROUND

ECTC was established as a 'tool' to enable ECDC to do more than it already does. Whilst ECTC is a legal entity in its own right, and should be free to operate commercially to generate the maximum returns, it is important to remember that it is a company that is wholly owned by ECDC.

As the sole shareholder ECDC has an interest to ensure, wherever practicably possible, that ECTC is profitable. Profit for ECTC will ultimately benefit the Council as sole shareholder as the only body capable of receiving a dividend. Profit will either be reinvested in ECTC to achieve greater profits or will be paid to ECDC, as a dividend, to enable it to achieve the aims of the MTFs and the Corporate Priorities.

2.1 Key Business

ECTC has two key business areas; the first is Commercial Services, which currently delivers Ely Markets and Grounds Maintenance and, the second is Property and Community Housing.

Both areas of the business carry out business on behalf of ECDC as well as other customers.

ECTC will continually look for new opportunities to enter new markets or expand in existing markets. Where necessary individual business plans will be developed for approval by the board.

3. PROCESS

3.1 Service Level Agreements

ECDC will continue to provide support services to ECTC through Service Level Agreements (SLA). ECTC will negotiate individual SLAs with each ECDC support service to reflect the needs of ECTC. Each SLA will include measurable performance indicators, break clauses and remedies for non-performance. There will be an annual review process whereby SLAs are refined to more accurately reflect the support required by ECTC.

Support services from ECDC for 2019/20 include:

- ❖ HR Support, including recruitment and training,
- ❖ Payroll,
- ❖ Customer Services- Phone answering service and taking telephone payments,
- ❖ Insurance provision (buildings, vehicles, employers and public liability),
- ❖ Legal Support- as and when required, and
- ❖ IT

3.2 Property and Assets

The Head Office of ECTC is The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE. Wherever possible, ECTC seeks to operate from premises within the ECDC Estate.

Ely Markets currently occupy The Grange, Ely.

Grounds Maintenance currently occupy The Grange, Ely and The Depot, Portley Hill, Littleport.

Property and Community Housing occupy 5 Fordham House Court, Newmarket Road, Fordham. The Fordham property is occupied under a 6 year lease that has an option to break after 3 years. The lease is assignable and sub-letting is allowed. A formal review of the office requirements of Property and Community Housing will be carried out prior to December 2020.

3.3 Policies and Procedures

ECTC continue to use all relevant ECDC policies and procedures.

3.4 Data Protection

ECTC comply with the relevant legislation and guidance concerning Data Protection.

3.5 Freedom of Information

ECTC is subject to requests for the disclosure of information under the Freedom of Information Act 2000 in its own right. As such, ECTC maintain a record management system that complies with the relevant guidance concerning the maintenance and management of records. ECTC will liaise with ECDC as appropriate to ensure consistency in answering FOI requests and provide such information to ECDC as it may require to answer questions it has received.

4. GOVERNANCE AND MANAGEMENT

This Business Plan will be delivered in full compliance with the governance arrangements set out by ECDC. ECTC will seek to maintain and enhance ECDCs reputation and brand for high standards.

ECTC continues to maintain an effective service and will deliver financial performance management reporting systems to the Board and ECDC Shareholder Committee.

The financial reporting information is currently being improved to suit the requirement of both the Board of Directors and the Shareholder Committee.

This Business Plan provides for sufficient support and leadership from Executive and Non-Executive Directors, a Managing Director and an Independent Chairman.

4.1 Structure

Board of Directors

The Board of Directors comprises:

The Independent Chairman

2 ECDC Elected Members; Leader of Council and Chairman of Operational Service Committee

2 ECDC Senior Officers; the Chief Executive and the Director, Commercial

The quorum for board meetings shall be three and one of the three must be either the Leader or Deputy Leader of the Council.

At board meetings each director shall have one vote.

Board meetings shall be held at least quarterly on such dates as they may agree (where there is failure to reach an agreement a decision will be made by the Chairman).

An agenda for the meeting will be prepared and distributed not less than 5 business days prior to the meeting.

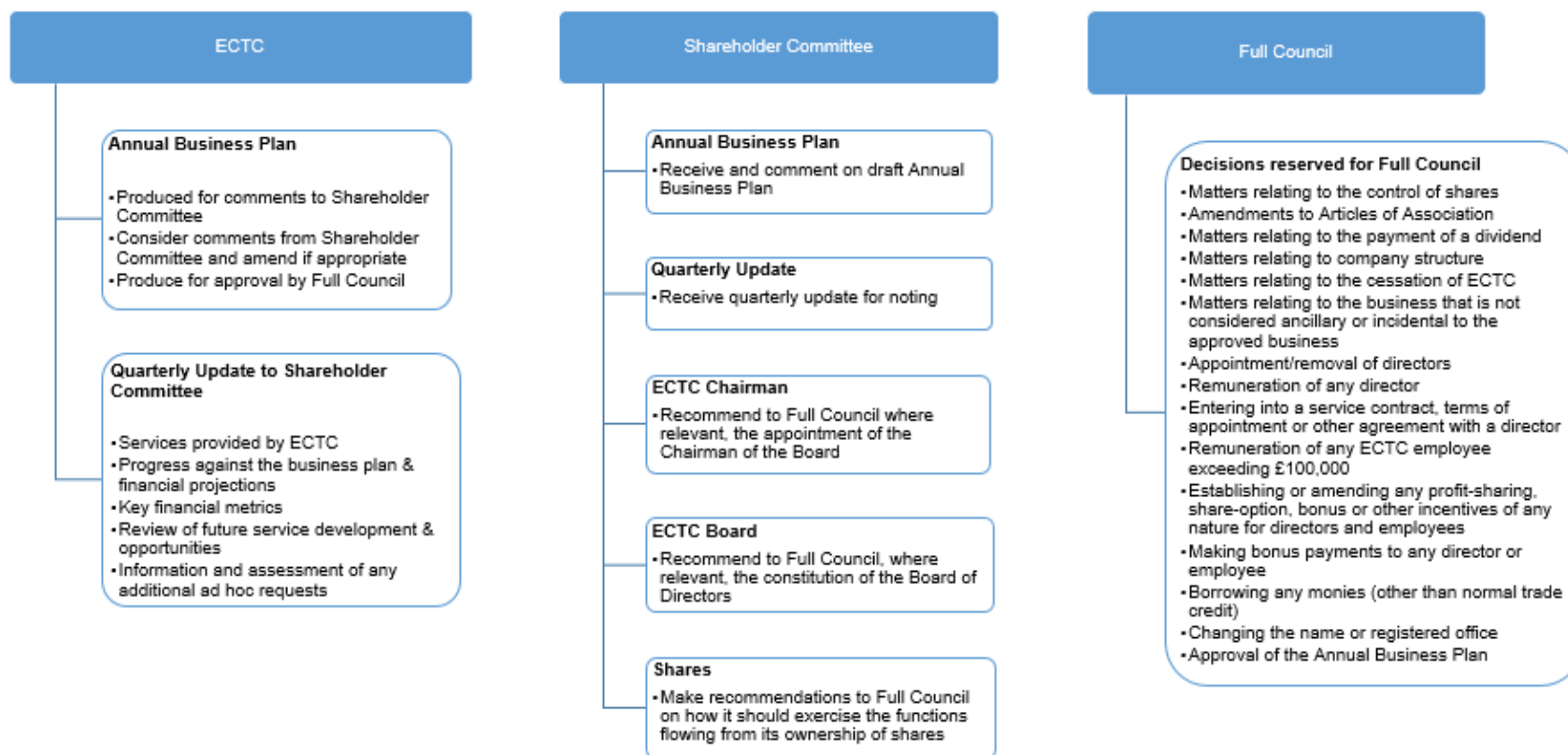
Except where the information is commercially sensitive, minutes of Board meetings will be provided to the Shareholder Committee for noting.

Managing Director and Company Secretary

The Managing Director of ECTC is the Chief Executive of ECDC. The Managing Director acts as the key conduit between ECTC and ECDC and has overall responsibility for ensuring compliance with the Shareholder Agreement.

The Company Secretary of ECTC is ECDC's Director Commercial.

4.2 ECTC's relationship with ECDC



On 21 February 2019 ECDC approved a new committee structure. From May 2019 the Shareholder Committee became a function of the Finance & Assets Committee. The Shareholder Agreement has been amended and agreed to reflect these changes.

5. FINANCIAL INFORMATION

5.1 Budget

The table below provides a summary of turnover and cost up to 2020/21.

	2018/19	2019/20	2020/21
	2018/19	2019/20	2020/21
Turnover			
Commercial	1,076,395	1,118,119	1,146,383
Property	5,547,779	10,421,327	19,491,065
Total	6,624,174	11,539,446	20,637,448
Cost			
Corporate	200,059	160,090	172,560
Commercial	882,324	925,856	980,182
Property	4,878,286	9,863,094	19,113,766
Total	5,960,669	10,949,040	20,266,507
EBITDA	663,505	590,406	370,941
Interest cost	(417)	341,791	592,758
Profit before tax	663,922	248,615	(221,817)
Tax	-	-	-
Profit after tax	663,922	248,615	(221,817)

The balance sheet and cashflow statement are provided as EXEMPT Appendix 1.

5.2 Financial benefit to ECDC

The table below shows the receipts that ECDC has received from ECTC as a result of its activities:

	2016/17 Actual	2017/18 Actual	2018/19 Actual (Dec 2018) + forecast	2019/20 Forecast	2020/21 Forecast	2021/22 Forecast	Total
Company profit	(405,810)	(305,803)	663,922	228,657	(257,718)	825,249	748,496
Financial Benefits From Property Development	-	-	943,224	234,769	444,269	566,559	2,188,822
Charges Incurred From ECDC	93,800	233,188	388,334	316,082	305,618	176,769	1,513,791
Total Financial Benefit From Company	(312,010)	(72,615)	1,995,481	779,508	492,170	1,568,577	4,451,109

Full details provided at Appendix 2.

6. RISK MANAGEMENT

LEGISLATIVE/POLICY				
Identified Risk	Management of Risk	Risk Score		Risk Owner
<p>Changes in legislation which could place restrictions on the Council's powers to trade in a commercial manner.</p> <p>Changes in legislation could impact on ECTC's ability to borrow (or conversely ECDC's power to lend) to fund future projects</p>	<p>This is outside the control of ECTC.</p> <p>Continuous monitoring of changes to legislation and government guidance through liaison with MP's, ebulletins, consultations, LGA KnowledgeHub and other publications.</p> <p>Any significant changes in legislation which realise this risk should be addressed immediately by the Managing Director to the Board of Directors.</p> <p>An amended Business Plan or Exit Strategy will need to be approved by the Board of Directors and submitted to the Council.</p> <p>The Council's S151 Officer attends all Board Meetings and advises on all relevant financial and governance matters.</p> <hr/> <p>Monitoring</p> <p>There have been no significant changes in legislation. This risk is continually reviewed through publications and regular liaison with Grant Thornton.</p>	<p>Likelihood</p> <p>Impact</p> <p>Risk</p>	<p>1</p> <p>5</p> <p>5</p>	<p>Managing Director</p>
<p>The June 2016 Referendum result for the United Kingdom to leave the European Union could have a financial and/or operational impact on ECTC.</p> <p>The extent of the impact is unknown, this will be kept under continuous review.</p>	<p>The Board of Directors shall continuously monitor the perceptions and actual impacts on market conditions and inform the Council of any changes/decisions that need to be made.</p> <p>Advice will be sought from the relevant professional body when appropriate.</p> <hr/> <p>Monitoring</p>	<p>Likelihood</p> <p>Impact</p> <p>Risk</p>	<p>3</p> <p>4</p> <p>12</p>	<p>Board of Directors</p> <p>Section 151 Officer & Director Commercial (ECDC)</p>

	<p>At present there are still many unknown implications that could arise from BREXIT.</p> <p>The key risks identified so far relate to inflationary pressures on construction products and material prices, potential for skills shortages within the construction industry, and constraints on market for new homes due to political and economic uncertainty</p> <p>ECTC seek to manage these risks through its tendering process and ensures that as much flexibility as possible is retained when entering into land agreements.</p> <p>The Head of Development has addressed the key risks in the individual project business plans.</p>			
Local Government Reform	<p>The Cambridgeshire and Peterborough Combined Authority Mayor has announced a review for local government reform. Details and scope of the review are not defined at present, such a review is capable of having both a positive and a negative impact on ECTC, depending on the outcomes of the review.</p> <p>It is unlikely that there will be negative impact for ECTC in 2019/20 as the review is likely to take a significant amount of time to conclude.</p> <p>The Director Commercial shall monitor the proposals as they progress.</p> <p>The Director Commercial shall inform the Board as soon as is practicably possible of any opportunities and threats that arise.</p>	<p>Likelihood Impact Risk</p>	<p>2 2 4</p>	<p>Director Commercial</p>
Changes in Planning and Housing Policies could have an impact of the Property Division, for example, changes to Affordable Housing, Starter Homes, and Self-build could	<p>The Government has published revised National Planning Policy Framework (July 2018). The revised definition of affordable rented housing restricts delivery to registered providers. This will restrict CLTs ability to deliver affordable rented housing unless they become, or work with, a registered provider.</p>	<p>Likelihood Impact Risk</p>	<p>3 3 9</p>	<p>Director Commercial Head of Property Development</p>

<p>impact the profitability of a particular development.</p>	<p>Monitoring</p> <p>The ECDC Director Commercial has sought consent from Council to progress to Stage 1 of the application process to become a registered provider. At the time of writing the application has been submitted to the Regulator for consent but a decision from the regulator has not been made.</p> <p>There will be no impact on the Haddenham Development or the MOD, Ely Phase 1 development as the Section 106 Agreement for the former was completed prior to the changes and there is no Section 106 Agreement for the latter.</p> <p>The Head of Property shall continue to monitor progress.</p>			
<p>The Council cannot demonstrate a five year land supply.</p> <p>This has a potential to undermine the ability to deliver CLT development in East Cambridgeshire.</p>	<p>In February 2019 ECDC took the decision to withdraw the emerging local plan and has reverted to the 2015 adopted local plan. The Council cannot demonstrate a five year land supply from now until April 2020 (once the adopted plan is five years old).</p> <p>This situation provides landowners the potential of an additional option for development outside the development envelope other than CLT's or rural exception sites. This could undermine the negotiating ability of local CLT's.</p> <hr/> <p>Monitoring</p> <p>ECTC has not experienced a negative impact from the Council's lack of five year land supply. The Head of Development shall continue to monitor the situation closely in 2019/20.</p>	<p>Likelihood Impact Risk</p>	<p>5 4 20</p>	<p>Director, Commercial Services</p> <p>Head of Property Development</p>

GOVERNANCE				
<p>Inadequate governance arrangements and lack of clarity on roles of the Council and ECTC could lead to poor decision making which could undermine the operation of ECTC</p>	<p>In 2017/18, both the Shareholder Committee and ECTC Board had reservations about the operation of the Shareholder Agreement. This resulted to changes in the Shareholder Agreement which were approved and implemented in May 2019.</p> <p>The Council and ECTC will continue to monitor the practicalities of the Shareholder Agreement to ensure that it is fit-for-purpose. Any necessary changes will be brought to the attention of the Council.</p> <p>Any changes to the Shareholder Agreement will need to be approved by the Council. The Managing Director will provide a report to the Council detailing any proposed changes and why these changes would be necessary.</p>	<p>Likelihood Impact Risk</p>	<p>3 4 12</p>	<p>Managing Director</p>
<p>As ECTC is wholly owned by ECDC, ECTC is subjected to the controls and decision making process for matters that lay outside of the Business Plan.</p> <p>The speed of the decision making process may have an impact on ECTC's ability to operate effectively.</p>	<p>The Shareholder Agreement sets out the decision making abilities of the ECTC and ECDC. The Shareholder Agreement provides for the ability of extraordinary meetings of the Shareholder Committee to be called to consider urgent business and make recommendations to Full Council.</p> <p>In accordance with the Council's Constitution a Full Council meeting can be convened to deal with any urgent business.</p>	<p>Likelihood Impact Risk</p>	<p>3 4 12</p>	<p>Managing Director</p>
ECONOMIC				
<p>ECDC has provided a loan to ECTC of £5,000,000, to be drawn down in accordance with the loan agreement.</p>	<p>ECTC is required to repay in full at March 2021 any loan outstanding from the £5m facility agreed by Council at the inception of the company.</p> <p>The ability of ECTC to repay any outstanding loan to ECDC is dependent on commercial activities of ECTC particularly with reference to property development.</p>	<p>Likelihood Impact Risk</p>	<p>4 4 16</p>	<p>Finance Manager</p>

<p>If the Council's MTFS is not successfully implemented this will reduce the availability of loan finance to ECTC, thus undermining the cash flow and profitability.</p>	<p>The repayment schedule is on track but is dependent on £2m receipt from the Kennett development, most probably facilitated with the transfer of the site to a special delivery vehicle wholly owned by ECTC or joint venture with third party funder. This is of course, dependent on the availability of finance.</p> <hr/> <p>Monitoring</p> <p>The £2m assured receipt or a substantial part of this figure will be required to meet ECTC obligations to the Council.</p> <p>An award of funding from the Combined Authority should enable the transfer of the site to a special delivery vehicle and retain the development rights for ECTC and any JV partners (if applicable).</p> <p>The Head of Development is exploring alternative commercial opportunities to ensure that ECTC can meet its obligations to repay the loan and will report progress to the board in due course.</p> <p>The Head of Development will complete a full risk assessment before ECTC commit further finance (beyond that already agreed to achieve outline planning permission) for the Kennett development.</p> <p>The Section 151 Officer will ensure the Council can make the advances to ECTC in accordance with the loan agreement, in the event that advances cannot be made the Section 151 Officer shall notify the Managing Director as soon as is practicably possible.</p>			<p>S151 Officer</p>
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<p>With the exception of new loans from the Combined Authority, ECTC cannot increase its indebtedness without the consent of the Council; it is likely that loans will be provided by the Council (subject to Full Council approval of the Business Case for the loan).</p> <p>If the Council's MTFs is not successfully implemented this will reduce availability of loan finance to ECTC. This means ECTC would need to borrow from the 'market' and as such will undermine ECTC's profitability and cash flow as the ECTC would not be able to benefit from the same terms and conditions of a loan agreement if it went to the market for such a loan.</p>	<p>This matter concerns the future of ECTC, however, effective business planning requires continuous consideration of financing in order to realise its success.</p> <p>In considering an application for a loan from the Council ECTC shall engage with the Section 151 Officer as early as practicably possible to enable the Council time to assess its financial position and make a decision as to whether such a loan could be provided.</p> <p>The Council shall make a decision on whether to provide ECTC with a loan as early as practicably possible; if it is not possible this will enable ECTC to consider alternative options for financing.</p> <p>All parties shall have regard to the Council's decision making processes.</p> <p>ECTC shall, wherever possible, adhere to the deadline requirements of the Council's Committee and Council meetings.</p> <hr/> <p>Monitoring</p> <p>ECTC has not experienced any issues with accessing the £5,000,000 loan facility that has been agreed with the Council.</p> <p>ECTC and the Council's S151 Officer continue to keep this matter under review, firstly to ensure that the Council can continue to make this facility available and secondly to ensure ECTC continue to be in a position to make the repayments.</p> <hr/> <p>The current loan facility from ECDC is inadequate to fund all of the development activities that ECTC plans to undertake in this business plan</p>	<p>Likelihood Impact Risk</p>	<p>3 4 12</p>	<p>Section 151 Officer</p> <p>Managing Director</p> <p>Head of Property Development</p> <p>Director, Commercial (ECTC)</p>
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	<p>The future growth of ECTC is dependent on the availability of affordable development finance over and above that provided by the shareholder.</p> <p>Its immediate funding requirements are in relation to West End, Haddenham (circa £6.5m), Kennett (after planning circa £14m) and MOD Ely (circa £25m).</p> <hr/> <p>ECTC has secured project loans from the Combined Authority (Haddenham £6.5m and MOD Ely (£23.5m) and from ECDC (£1.5m MOD Ely).</p>			
<p>Changes in taxation, interest rates and build cost inflation could have an impact on the viability and profitability ECTC.</p>	<p>At present changes in taxation is not a known risk, however, ECTC should have regard to the impact of any such changes.</p> <p>Building cost inflation is a key risk; to minimise the impact of this contracts will be let on a fixed price basis with costs defined.</p> <p>The Finance Team, and where relevant the Head of Property Development will monitor changes and factor any changes in the business planning process.</p>	<p>Likelihood Impact Risk</p>	<p>1 3 3</p>	<p>Section 151 Officer/Finance Manager</p> <p>Head of Property Development</p> <p>Director, Commercial Services (ECTC)</p>
<p>Economic downturn could result in less than anticipated (or even losses) assumed in the Business Plan</p>	<p>A full assessment of the market conditions will be carried out prior to any development commencing. In the event that an economic downturn occurs once a development has commenced the Head of Property Development will appraise the Managing Director of the situation and propose a solution to mitigate any potential losses.</p> <p>The Managing Director shall inform the Council as soon as is practicably possible of any significant changes that may impact on the repayment of any of the company's loans.</p>	<p>Likelihood Impact Risk</p>	<p>3 4 12</p>	<p>Head of Property Development</p> <p>Managing Director</p>

	Where relevant the Managing Director shall present to the Council an amendment to the Business Plan or, if necessary, present an Exit Strategy, for approval.			
<p>In order to prosper in a commercial environment, cash flow for the ECTC will be essential.</p> <p>Insufficient cash flow will result in ECTC being constrained in realising the objectives of the Business Plan.</p>	<p>The cash flow of ECTC is dependent on the loan facilities from ECDC/Combined Authority, commercial returns from non-property based activities, receipts from property sales and project cash flow.</p> <hr/> <p>Monitoring</p> <p>ECTC continues to monitor its cash flow to ensure it meets its creditor obligations to staff and contractors.</p> <p>Should opportunities arise that are outside of the scope of the Business Plan ECTC shall liaise with the Council and prepare a revised Business Plan, at the earliest opportunity, which will include identifying loan funding (to be approved by Council) that would enable commercial opportunities to be realised.</p>	<p>Likelihood Impact Risk</p>	<p>3 4 12</p>	<p>Managing Director</p> <p>Head of Development</p> <p>Director Commercial</p> <p>Finance Manager</p>
OPERATIONAL				
<p>Inadequate cost controls on commercial build contracts can lead to delays, overspends and reduced profitability/cash flow for the company.</p> <p>This has the potential to undermine the ability to repay loans to the Council.</p>	<p>The Head of Property Development, in the business planning cycle, shall have regard to market conditions, build cost inflation and put in place a robust project management and cost control plan.</p> <p>The Head of Development shall monitor the impacts of Brexit and report any implications to the Board of Directors.</p>	<p>Likelihood Impact Risk</p>	<p>2 3 6</p>	<p>Managing Director</p> <p>Head of Property Development</p>
<p>Lack of community appetite for CLT development may undermine the targets set out in the Business Plan</p>	<p>ECTC is reviewing the Community Housing element of the business who continue to deliver support to Community Land Trusts.</p>	<p>Likelihood Impact Risk</p>	<p>2 4 8</p>	<p>Head of Property Development</p>

<p>Adequacy of resources to deal with change and upheaval.</p>	<p>The realisation of ECTC ambitions to build 1850 homes (including Kennett) requires investment into ECTC particularly on the development side to ensure that the company has the human resources it needs to deliver the necessary outcomes.</p> <hr/> <p>Monitoring</p> <p>In 2018/19 the Managing Director approved a phased increase in the company's human resources specifically in the areas of strategic projects, land and development, finance and administration. Recruitment to these posts is on track and is in accordance with the phased approval.</p> <p>In 2019/20 the Head of Property and Managing Director shall review the company's human resources to ensure that the services are being delivered efficiently and effectively.</p>	<p>Likelihood Impact Risk</p>	<p>1 3 3</p>	<p>Managing Director Head of Property</p>
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7. COMMERCIAL SERVICES

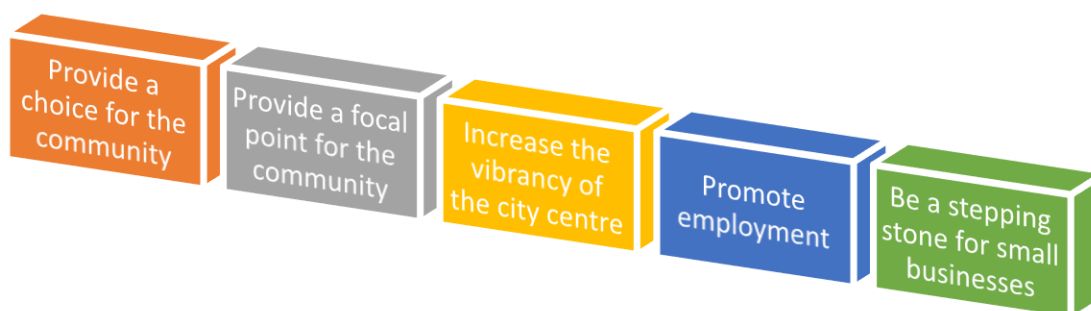
- 7.1 The Commercial Services of ECTC currently delivery Ely Markets on behalf of ECDC and Grounds Maintenance Services; both on behalf of ECTC and for other customers.
- 7.2 Commercial services, through the Grounds Maintenance Service has made a commitment to explore areas of income generation that will enable ECDC to continue to deliver good quality services to its residents, visitors and businesses.
- 7.3 The primary focus of Commercial Services for 2019/20 shall be to continue to develop Ely Markets, focusing on the community as its customer, and Grounds Maintenance Service focusing on new areas of income generation; ensuring that both continue to deliver high quality services that respond to the needs of their customers and seek to maximise opportunities that arise throughout the year.
- 7.4 Where opportunities arise that are outside of the scope of this business plan, individual business plans will be produced and submitted to the Board for approval.
- 7.5 The following table provides a cumulative budget to 2020/21.

	2018/19	2019/20	2020/21
Turnover	1,076,395	1,118,119	1,146,283
Cost	922,336	957,874	1,014,694
EBITDA	154,059	160,245	131,589

7.6 Ely Markets

ECTC manages and operates Ely Markets on behalf of ECDC. This has been secured by way of a ten year operations and management contract.

7.6.1 Service Objectives



7.6.2 Budget

The following table provides a summary of the budget to 2020/21.

Markets	2018/19	2019/20	2020/21
Salaries	126,259	124,937	129,090
Premises	26,067	36,197	46,500
Transport	3,235	2,085	2,601
Supplies & Services	20,716	20,936	22,032
Turnover	208,735	222,579	217,050
Gross Profit	32,458	38,425	16,827

Please note that Ely Markets is maintaining the profitability levels that it has achieved in previous years. The service has been able to maintain previous profitability levels and make investments in improving the service, i.e. the electrical improvement works on the Market Place. This shows that Ely Markets is a self-sustaining element of the business and relies on its own income to keep improving.

The difference in premises cost relates to repayment to the Council for the electrical improvement works.

The Ely Markets Team consists of 2 part-time Markets Development Officers, 1 part-time Markets Administrative Officer and 1 full-time Market Supervisor. For the operational element of the market, Ely Markets has a 'Wrecking Crew'.

7.7 Grounds Maintenance

ECTC currently carries out Grounds Maintenance services for a variety of different customers; ECDC, Cambridgeshire County Council, Parish Council's, Schools and other private clients. Grounds maintenance services include (but are not limited to); grass cutting, hedge trimming, SUDS maintenance, sports pitch line marking, tree services and sports pitch maintenance.

7.7.1 Service Objectives



ECTC's main client is ECDC; generating an income of £720,675 in 2019/20 and rising with RPI in future years. Please note that the Sanctuary contract is incorporated into the management fee paid by ECDC as ECDC 'sub-contract' the Sanctuary contract to ECTC.

The Sanctuary contract is due to end in March 2020. New contract negotiations have already commenced with Sanctuary, updates will be provided to ECDC and board as negotiations progress.

7.7.5 Budget

	2018/19	2019/20	2020/21
Salaries	493,393	552,076	557,757
Premises	72,378	69,408	61,000
Transport	69,921	80,056	88,444
Supplies & Services	70,355	40,161	72,757
Turnover	867,660	895,539	929,233
EBITDA	161,613	153,838	149,275

The premises costs in 2018/19 are higher than the original budget. Some invoices have been miscoded to ECTC and should actually have been for ECDC. This is currently being corrected; the effect of this is that the 2018/19 premise figure will reduce and the EBITDA will rise.

There is also an 'overspend' on grounds materials in 2018/19, this overspend relates to a new contract secured in 2018/19 that was not budgeted for previously. The 'overspend' is recovered by the income.

The transport costs have increased from 2018/19 to reflect the lease charge that ECTC pays ECDC. The lease charged will be reviewed during 2019/20.

The Grounds Maintenance Team consists of 21 members of staff; 1 Open Spaces & Facilities Manager, 1 Parks & Open Spaces Team Leader, 1 Open Spaces & Facilities Support Officer, 1 Open Spaces & Facilities Administrative Officer, 2 Gardeners, 13 Grounds Maintenance Operatives (2 vacancies), 2 Grounds Maintenance Operatives (Seasonal) and 1 Apprentice Grounds Maintenance Operative (vacant).

At the time of preparing this business plan ECTC is actively recruiting to fill the vacancies identified above. The vacancies arose during different periods of 2018/19. The service was able to absorb the vacancies during the year by offering additional hours (either through overtime or time off in lieu), however, such a low staffing structure would not be sustainable in the long term for two reasons:

Some contracts require us to deploy staff quickly and if there is no flexibility in the structure and due to the length of time it takes to recruit we will lose our ability to respond quickly to new opportunities.

This staffing structure represents the level of staff needed to accommodate the existing contracts in place. If further contract opportunities arise then there may be a need to recruit additional staff to service the contracts. A case will be made to the Managing Director as and when appropriate to secure additional resource.

7.8 Property and Community Housing

7.8.1 Service Objectives



7.8.2 Overview

Since the company was established in 2016, East Cambs District Council has already benefitted by £964,000 from the activities of ECTC Property and Community Housing. In addition, 24 high quality new homes have been delivered, including 10 CLT owned affordable homes that will be available for local people in perpetuity and will generate positive returns for re-investment in the local communities.

Palace Green Homes has now identified and secured land that will expand the development pipeline from 570 to 722 homes, an increase of 25%. Over 200 of these new homes are expected to be affordable homes.

The company has been able to take advantage of new business opportunities using the existing finance arrangements that it has from ECDC and is on-course to being in a position where it is expected to be able to repay the ECDC loan in 2021 as planned. In addition, a significant new source of project financing has been secured in the past year using an innovative new revolving financing facility that has been established by the Cambridgeshire and Peterborough Combined Authority (CPCA).

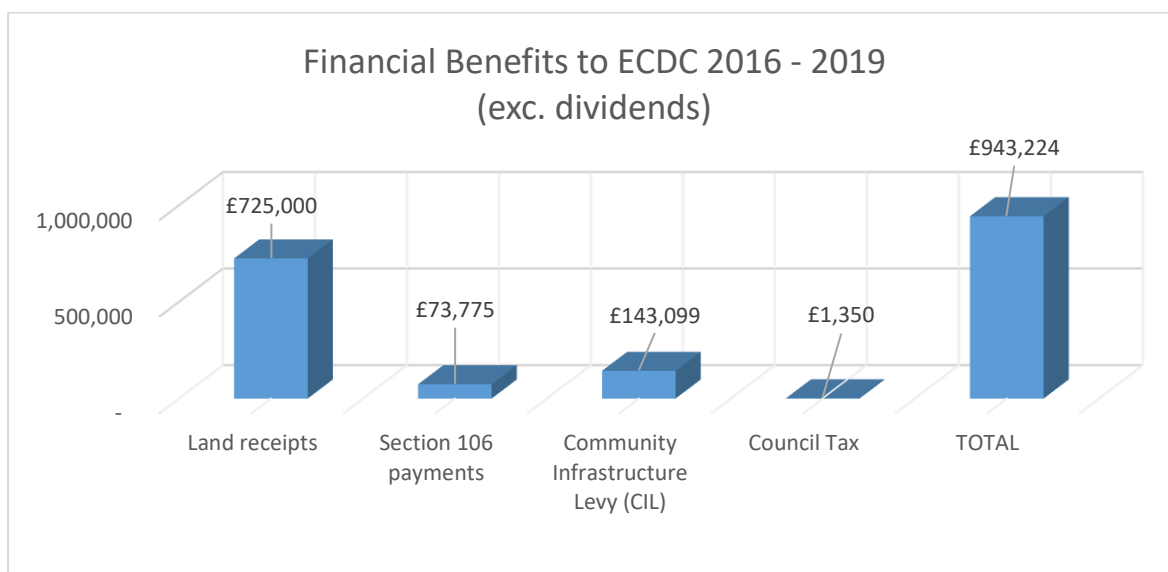
The projects at West End Gardens, Haddenham and Ely will be the first investments of this kind for the CPCA and will bring forward new homes that are additional to the existing development pipeline, support the further development of CLTs and bring homes back into use that are currently excluded from the market. Unlike a normal public sector grant fund, the repayable loan and profit-share arrangements that have been agreed with ECTC will allow CPCA to recycle the funds into other housing projects from 2021.

The new housing management element of ECTC was established in 2018 and has already produced revenue which is expected to grow in the coming year. Housing management contracts with two local CLTs were secured and affordable homes were allocated to new CLT tenants on our projects at 'Fledglings' in Soham and 'Kings Row' in Ely.

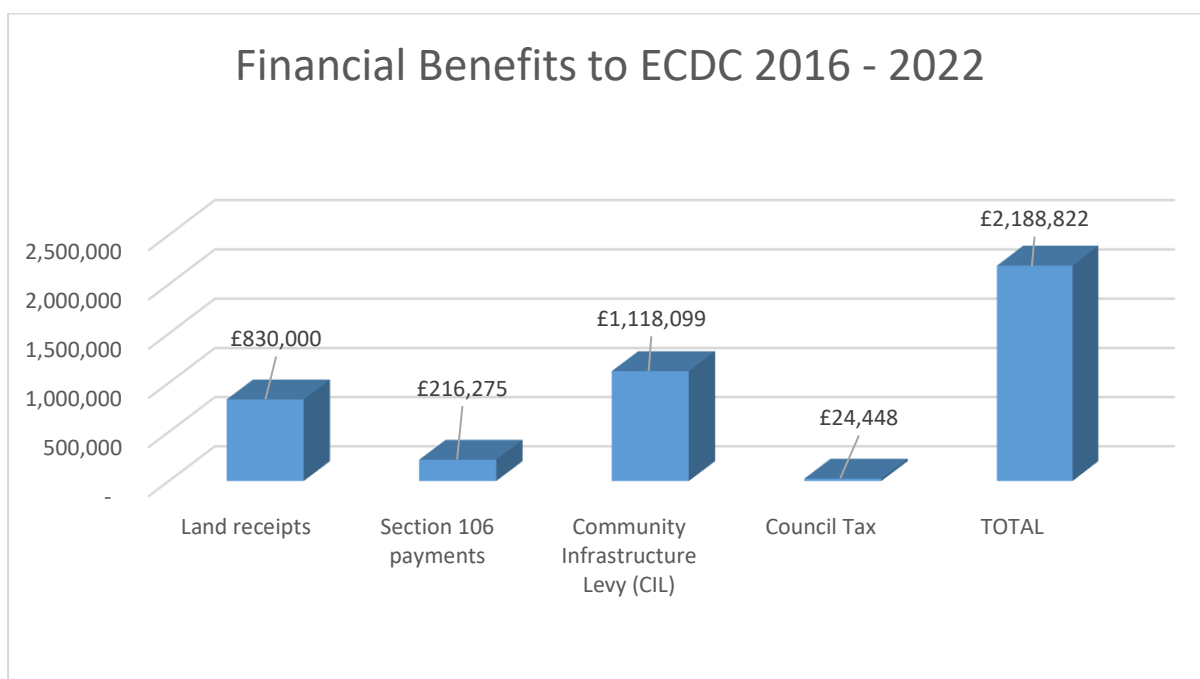
To deliver this ambitious programme of development, the company is reviewing its resources to ensure that key projects can be delivered effectively and efficiently to meet the demands of a growing business.

7.8.3 Financial benefits to ECDC from ECTC Property and Community Housing

To date, due to the development activities of ECTC (Property and Community Housing), over £950,000 in financial benefits have already been transferred to the Council in the form of land receipts, section 106 payments, CIL payments and Council tax receipts from new properties.



Based on the projected development pipeline, by March 2022 the financial benefits that are expected to directly accrue to the Council from the company's development activities will exceed £2.17 million. This figure excludes any additional dividends that may be paid to the Council as shareholder during the period.



7.8.4 Key Challenges for 2019/20

This business plan has been produced at a time of almost unprecedented uncertainty, with politics affecting the real economy as almost never before. But away from Brexit, technology continues to drive immense structural change, and new policy initiatives will alter the way in which the housing market operates. It will be a challenging year for the company as it seeks to deliver on its objectives.

Back in October 2018, the announcement of an extension to the government's Help to Buy Scheme provided additional confidence for the industry and the company is anticipating being able to offer this product on its new housing development at Haddenham. However, the July 2019 RICS Residential Market Survey results show some of the improvement seen in near term expectations partly reversed. Political uncertainty is increasingly being cited as a constraint on the market, alongside the well-established challenges around affordability and a lack of stock available for purchase.

Bank of England forecasts suggest economic growth of 1.3% in 2019, and 1.3% in 2020. This is well below the long-term average, and growth will remain subdued over the medium term. A "no deal" Brexit is likely to reduce projected economic growth in 2019, whilst an increase in certainty may create a modest "Brexit bounce".

UK short-term interest rates are also likely to rise, although this would be less certain in the event of a "no deal" Brexit. This should be limited and gradual, but a key risk is that the base rate rises faster than currently expected. This would impact adversely on consumer expenditure, business confidence and the residential market. Indeed, the banks are increasingly aware of this and are already factoring it into their lending decisions.

The company expects that the lower end of the affordability spectrum will continue to fare well in 2019. Property pricing that attracts lower stamp duty (SDLT), and transactions where first time buyers are SDLT exempt will be very popular, as they have been in 2018. Properties where affordability more closely aligns with earnings will be the most attractive.

ECTC will continue to closely monitor local market conditions for any potential impact on customer confidence in light of the wider political and economic uncertainty. Certainty of future demand is absolutely key as the company looks to invest in its planning permissions, and get them to the point to where homes can actually be built.

Concern of course remains as to the impact Brexit will have on the economy, and in particular on continued access to skilled foreign workers who provide around 7% of the UK construction workforce, which will be key to the company's ability to build out its sites expeditiously. Construction products and material prices have already risen significantly following the falls in the value of sterling post referendum, and with about 15% of products used in UK construction coming from the EU, leaving the EU without a deal would undoubtedly add to these inflationary pressures. The company is likely to find it more challenging to secure fixed price tender contracts with suppliers and contractors given the challenging external environment.

That said, the company has secured a strong development pipeline and has ambitions to be delivering 250 homes per year within 5 years, so it will continue to invest in the people, supply chain and new technologies that it needs to achieve this target. By further developing the company's own 'in house' capability, it should be possible to mitigate against some of these external risk factors, and give the company greater control of project delivery. Utilisation of modern methods of off-site construction on future projects should also help to ensure more homes can be built, more quickly, and with greater pricing certainty.

Challenging though it will be, 2019 will also be a year of opportunity for ECTC. The housing crisis that exists in the UK will not go away and local communities within the region will continue to seek to provide more affordable homes for local people on local wages. ECTC is uniquely placed to take advantage of this trend toward more community-led housing and with financial and political support also now available at local, regional and central government level, conditions are set fair for the company to continue to grow at pace.

7.8.5 Targets for 2019/20

During the current financial year, ECTC will:

- ❖ Commence construction on two new development sites at Haddenham and Ely
- ❖ Complete the refurbishment of 40 homes at Ely, including 15 shared ownership affordable homes
- ❖ Secure planning permission and establish delivery arrangements for 500 (including 150 affordable homes) new homes, a new primary school and other village facilities in Kennett

7.8.6 Projects

West End Gardens, Haddenham

This development, now underway, is for 54 new homes in the village of Haddenham, with generous green space on eight acres of land that was acquired in April 2019. A close partnership formed back in 2016 between the landowner, ECTC (Palace Green Homes), Haddenham CLT, Haddenham Parish Council, and the local community looks sets to create a positive lasting legacy for the parish.

19 of the new homes within the scheme will be affordable homes managed by Haddenham CLT that are available to people that live and/or work in the parish. These one, two and three bed properties will be assets that benefit the wider community for years to come. The affordable homes, that include several bungalows, are expected to be ready for occupation in Summer 2020.

35 two, three and four bed homes will be available for sale on the open market, again ready for occupation in Summer 2020. All of the homes within the scheme have been designed so that the affordable and the market homes blend together seamlessly to create a balanced community, close to the centre of Haddenham.

The project is being funded in part by a £6.5 million landmark housing loan agreement from the Cambridgeshire and Peterborough Combined Authority. The balance of the project costs are being resourced from ECTC's own finances.

Former MOD Site, Kilkenny Avenue, Ely

In late July 2019 ECTC acquired 8.78 hectares (21.6 acres) of land in Ely. The land includes 88 existing houses and provides opportunities for further new-build development. The site is contiguous with adjoining existing housing estates, new development at Ely North and the Prince of Wales Hospital.

The estate was formerly used to accommodate US Air Force families, but some of the homes have stood empty for up to 5 years. The housing is at low density, and includes terraced, semi-detached and detached houses. There are several hundred mature protected trees giving it a very attractive 'garden village' feel. Structurally the houses are generally in very good condition however, the refurbishment plans will bring them up to modern standards through the installation of replacement bathrooms, kitchen and floor coverings. Improvements to the streetscape and additional off-road parking will also be completed.

Through these improvements, it is possible to convert four houses into eight maisonettes, delivering 92 homes in total. These will be refurbished for occupation over a two year period with 77 sold to individual purchasers on the open market and 15 offered as shared ownership units.

Refurbishment work is now underway and the first homes are expected to be available for sale from October 2019. The shared ownership homes are expected to be available for occupation in Spring 2020. In total, 40 homes are expected to be refurbished during the current financial year.

In addition to the refurbishment, subject to planning permission, there are opportunities for further new build development within the site. The terms of the deal to buy the site from the MOD include obligations on ECTC to submit planning applications to make optimum use of this well-located, urban, brown-field site. ECTC have already committed to deliver more than 30% of the homes as affordable housing.

The project is being funded by a £24.4 million loan agreement from the Cambridgeshire and Peterborough Combined Authority. The balance of the project costs will be funded by ECTC resources and an additional 'top-up' ring fenced loan of £1.5 million from ECDC.

Kennett Garden Village

Now in the advanced planning stage, Kennett Garden Village is set to be the fifth and largest community-led development in East Cambridgeshire. The proposals for

Kennett Garden Village are the product of a genuine collaboration between the local community, the landowners, who live locally, and ECTC (Palace Green Homes).

Kennett Garden Village will offer 500 high-quality homes of all tenures and for all ages, create local employment opportunities and encourage healthy and sociable community living in a careful design that will further enhance this attractive village. 150 of the new homes will be affordable housing.

We will build the new housing, and invest significantly in improvements to local highway infrastructure. In conjunction with Cambridgeshire County Council, the project will deliver new school buildings for Kennett Primary School with a dedicated sports pitch and an Early Years Centre. There will also be a new Village Green and Village Square, an enterprise park for new business, car parking for the adjacent railway station (connecting the development to Cambridge and Ipswich), and open spaces that local families, dog walkers, picnickers and joggers can enjoy.

The project has been designed as a sustainable, lower-density 'garden village' style mixed-use development that will not only be a great place to live, but is somewhere that has community ownership at its heart, including genuinely affordable homes and attractive open spaces owned by Kennett Community Land Trust. The trust will own and manage community assets for the long-term, providing a significant and on-going income that can be reinvested back into the local community for generations to come.

Planning permission was approved by ECDC planning committee in April 2019 and the Section 106 Agreement is being finalized so that the final planning permission can be issued. ECTC is now actively working up a strategy for delivery of the scheme and is aiming to commence development in 2021.

Current CLT projects in East Cambs

East Cambs CLT	The 2 affordable homes at Kings Row, Ely have been transferred to the ownership of East Cambs CLT. They are now being managed under contract through ECTC.
Haddenham CLT	ECTC has commenced construction of the project at West End Gardens, Haddenham and is supporting the local CLT as it prepares to take ownership of 19 new affordable homes.
Kennett CLT	The CLT continues to support the development on land at Station Road. This large scheme will provide 500 new dwellings with affordable homes contributing 150 of the total. Outline planning permission has been granted subject to the completion of a Section 106 Agreement.
Soham CLT	Following handover of 8 affordable properties at Fledglings, Soham, the CLT is using ECTC to manage the properties on their behalf. The CLT is actively looking at a further housing projects in the town.
Stretham & Wilburton CLT	The CLT have identified a site in Wilburton that provide affordable homes and new sports facilities for the village although it is at an early stage of planning. ECTC continue to provide advice and support to facilitate this scheme.
Swaffham Bulbeck CLT	The CLT are working with a landowner and developer to lodge a planning application for a piece of land in the village which currently would provide 15 affordable homes for the CLT. This project will require support throughout its development.
Swaffham Prior CLT	The CLT received a funding grant to research a district heating system. The £3m proposal is for a community heating system run off ground source heat pumps and it is hoped the scheme will take the village off its' reliance on oil heating and provide a sustainable, environmentally sound, economical source of energy for the whole village

Financial projections – Property and Community Housing

Financial projections 2017 – 2022 (exc. revenue from Kennett Garden Village) at Jan 2019.

	2017/18	2018/19	2019/20	2020/21	2021/22	TOTAL
Turnover						
Market housing sales	£0.0m	£4.56m	£10.09m	£16.97m	£21.94m	£53.56m
Affordable (CLT) housing sales	£0.0m	£0.86m	£0.29m	£2.51m	£3.28m	£6.93m
EC Community Housing	£0.15m	£0.11m	£0.05m	£0.01m	£0.01m	£0.33m
Other income	£0.84m	£0.02m				£0.86m
Total Turnover	£0.99m	£5.55m	£10.42m	£19.49m	£25.23m	£61.68m
Cost of Sales						
Housing construction costs	£0.78m	£4.21m	£9.09m	£18.42m	£23.16m	£55.65m
Salaries	£0.37m	£0.61m	£0.66m	£0.61m	£0.63m	£2.89m
Premises	£0.0m	£0.01m	£0.03m	£0.03m	£0.03m	£0.09m
Transport						£0.0m
Supplies & services	£0.02m	£0.05m	£0.08m	£0.06m	£0.04m	£0.25m
Cost of Sales	£1.18m	£4.88m	£9.86m	£19.11m	£23.85m	£58.88m
Gross Profit / (Loss)	(£0.19m)	£0.67m	£0.56m	£0.38m	£1.38m	£2.8m
Overheads	£0.14m	£0.16m	£0.13m	£0.14m	£0.14m	£0.71m
EBITDA	(£0.33m)	£0.51m	£0.43m	£0.24m	£1.24m	£2.09m

SWOT Matrix	
INTERNAL FACTORS	
STRENGTHS (+)	WEAKNESSES (-)
<ol style="list-style-type: none"> 1. Low overhead costs. 2. Responsive and pro-active. 3. Specialist knowledge of existing team. 4. Strong local connections. 5. EC Community Housing - a catalyst to PGH development projects. 6. Ethos aligned with target market. 7. Intensive community engagement reduces development risk. 	<ol style="list-style-type: none"> 1. Reliance on existing funders and difficulties in securing private finance. 2. Build costs are higher than other competitors. 3. Balance between company profit vs community benefit could be better defined. 4. Inability to pay staff bonuses could affect staff retention. 5. Media and PR profile could be stronger. 6. Risk of perceived bias / conflict of interest between company and council activities.
EXTERNAL FACTORS	
OPPORTUNITIES (+)	THREATS (-)
<ol style="list-style-type: none"> 1. Corporate objectives aligned with Council Corporate Plan. 2. Few local competitors. 3. Public sector land disposal opportunities. 4. Growing interest in community-led development. 5. New geographic markets. 6. Demand from local CLTs for Housing and Estate Management Services. 7. Housing crisis firmly on political agenda. 8. Partnerships / Joint ventures. 	<ol style="list-style-type: none"> 1. Housing market deterioration affects sales revenue projections. 2. Construction cost inflation erodes profit. 3. Failure / delay in obtaining planning permissions. 4. Loss of uniqueness as company grows and competitors enter the market. 5. Loss of support from local Communities. 6. Change in local political priorities.

EAST CAMBS TRADING COMPANY LTD:

STATEMENT OF FINANCIAL BENEFITS FOR EAST CAMBS DISTRICT COUNCIL

2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Actual July 19 plus forecast	2020/21 Forecast	2021/22 Forecast	TOTAL
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SUMMARY							
PROFIT AFTER TAX FROM TRADING COMPANY	(405,810)	(305,803)	663,922	248,615	(221,917)	837,334	816,341
FINANCIAL BENEFITS FROM PROPERTY DEVELOPMENT	-	-	943,224	234,769	444,269	566,559	2,188,822
CHARGES INCURRED FROM ECDC	93,800	233,188	388,334	316,082	305,618	173,770	1,510,792
TOTAL FINANCIAL BENEFIT FROM TRADING COMPANY	(312,010)	(72,615)	1,995,481	799,466	527,971	1,577,663	4,515,955

2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Actual July 19 plus forecast	2020/21 Forecast	2021/22 Forecast	TOTAL
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PROPERTY DEVELOPMENT						
Land Receipts						
Soham		10,000				10,000
Barton Road, Ely		715,000				715,000
Paradise Pools Site					105,000	105,000
TOTAL LAND RECEIPTS	-	-	725,000	-	-	105,000
S106 Agreements						
Soham		559				559
Barton Road, Ely		73,216				73,216
Haddenham			17,500			17,500
Paradise Pools Site					25,000	25,000
Ely, MOD New Build					100,000	100,000
Kennett Garden Village						-
TOTAL S106 AGREEMENTS	-	-	73,775	17,500	-	125,000
Community Infrastructure Levy (CIL)						
Soham		16,193				16,193
Barton Road, Ely		126,906				126,906
Haddenham			214,000	321,000		535,000
Paradise Pools Site				120,000		120,000
Ely, MOD New Build					320,000	320,000
Kennett Garden Village						-
TOTAL CIL	-	-	143,099	214,000	441,000	320,000
Council Tax receipts from new properties						
Soham		794	1,706	1,706	1,706	5,911
Barton Road, Ely		557	1,564	1,564	1,564	5,247
Haddenham					3,838	3,838

	2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Actual July 19 plus forecast	2020/21 Forecast	2021/22 Forecast	TOTAL
Paradise Pools Site						640	640
Ely, MOD New Build						8,813	8,813
Kennett Garden Village							-
TOTAL COUNCIL TAX RECEIPTS FROM NEW PROPERTIES	-	-	1,350	3,269	3,269	16,559	24,448
TOTAL ADDITIONAL FINANCIAL BENEFITS FROM PROPERTY DEVELOPMENT	-	-	943,224	234,769	444,269	566,559	2,188,822

CHARGES INCURRED FROM ECDC							
Management Support	44,000	44,440	45,329	46,236	47,160	48,103	275,268
Interest on Loan	23,262	138,156	245,853	178,752	165,542	30,892	782,457
Support Services							-
Finance	10,000	10,100	15,302	5,000	5,100	5,202	50,704
Payroll & HR	3,138		12,000	13,000	13,260	13,525	54,923
IT Support	6,900	6,969	7,108	7,250	7,395	7,543	43,165
Accommodation	5,000	30,954	57,651	58,804	59,980	61,180	273,569
Customer Services	1,500	1,515	3,091	5,000	5,100	5,202	21,408
Member Services		1,054	2,000	2,040	2,081	2,122	9,297
							-
TOTAL CHARGES INCURRED FROM ECDC	93,800	233,188	388,334	316,082	305,618	173,770	1,510,792

**POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS
REVIEW AND COMMUNITY GOVERNANCE REVIEW**

To: Council

Date: 17 October 2019

Author: Chief Executive and Electoral Services Team Leader

[U91]

1.0 **ISSUE**

1.1 To report the outcome of the review of Polling Districts, Polling Places and Polling Stations.

2.0 **RECOMMENDATIONS**

2.1 Members are requested to:

- (i) Note the outcome of the Review of Polling Districts, Polling Places and Polling Stations as detailed in Appendix A.
- (ii) Agree the proposed changes in the Returning Officer's Proposals as detailed in Appendix A.

3.0 **BACKGROUND/OPTIONS**

3.1 The Electoral Administration Act 2006 introduced a duty on all authorities to review their Parliamentary polling districts and polling places every 4 years to ensure that people have such reasonable facilities for voting as are practicable in the circumstances and to ensure reasonable and practicable accessibility for people with disabilities. The first review was conducted in 2007 and the last review was in 2015. We have made two interim polling district reviews, the first was to cover the County Divisional Changes and the second was to cover the new District and Parish arrangements, following the Local Government Boundary Reviews. This review covers the Parliamentary Constituency areas that fall within the District of East Cambridgeshire and must be concluded by 31 January 2020.

3.2 The current review is a statutory obligation and, as we have already completed two very detailed reviews over the last two years, the Returning Officer has not made any proposals for change for change sake.

3.3 9 responses have been received arising from the consultation on the polling places review: 1 from the local access group; 2 from parishes; 3 from District Members; 3 from organisations regarding hire of their hall as a polling station. Arising from the post-election evaluation process, responses were received from the majority of the Polling Station Inspectors, Presiding Officers and Poll

Clerks, most of which were positive or related to issues identified on the day which have already been resolved or will be resolved for the next election. In addition, the polling places venues have been contacted to ascertain whether they have any planned works or issues which may affect their availability over the next 4 years.

- 3.4 The proposals by the Returning Officer are detailed in the revised Review of Polling Districts, Polling Places and Polling Stations document attached at Appendix A, which include a summary of the responses from the consultation.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 4.1 Any increase in costs arising from variations in venue hire rates, etc.
- 4.2 Equality Impact Assessment (INRA) completed and attached at Appendix B.

5.0 APPENDICES

- 5.1 Appendix A - Polling Districts, Polling Places and Polling Stations document
- 5.2 Appendix B - Equality Impact Assessment (INRA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Relevant Electoral Services files, Electoral Commission guidance on Review of Polling Districts, Polling Places and Polling Stations The LGBCE guidance on Community Governance Reviews	Room 214 The Grange Ely	Joan Cox Electoral Services Team Leader (01353) 616460 E-mail: joan.cox@eastcambs.gov.uk

**East Cambridgeshire
District Council**

Representation of the People Act 1983
Electoral Administration Act 2006
The Review of Polling District & Polling Places (Parliamentary Elections) Regulations 2006

Review of Polling Districts, Polling Places and Polling Stations

Background information and the Returning Officer's proposals

John Hill, Returning Officer

Consultation Period: 30 July 2019 – 30 September 2019

If you have any comments or questions please contact:

Joan Cox
Electoral Services Team Leader
The Grange
Nutholt Lane
Ely
Cambs
CB7 4EE

joan.cox@eastcambs.gov.uk or
elections@eastcambs.gov.uk

1. Review of polling districts, polling places and polling stations in the district of East Cambridgeshire.

1.1 The reason for the review

The Representation of the People Act places a duty on the Council to divide the District into polling districts and to designate polling places for each district. The Council also has a duty to keep those arrangements under review.

The Electoral Administration Act 2006 (EAA 2006) introduced a duty on all local authorities in Great Britain to review their UK Parliamentary polling districts and polling places at least once every four years. The first such review had to be completed by the end of 2007.

The Council must conduct a review of the polling districts, polling places and polling stations for the South East Cambridgeshire parliamentary constituency that fall within the boundaries of the District of East Cambridgeshire, and for the North East Cambridgeshire parliamentary constituency that fall within the boundaries of the District of East Cambridgeshire.

The Returning Officer for East Cambridgeshire District Council will also make representations to South Cambridgeshire District Council for the polling district, polling places and polling stations that fall under his control during the parliamentary elections, as part of the South East Cambs parliamentary constituency falls within South Cambridgeshire district boundaries.

The Returning Officer for Fenland District Council will make representations to this review for the polling districts, polling places and polling stations that fall under their control during parliamentary election, as part of the North East Cambridgeshire Parliamentary constituency falls within East Cambridgeshire district boundaries.

The last such review was conducted in 2014. The Returning Officer has also made several changes with regard to premises that can be designated as polling stations since the last review.

The Council must conduct a full review of its polling districts, polling places and polling stations by 31 January 2020, and thereafter every five years from 1 October 2018. However, this does not prevent changes being made at any time before the next full review in October 2023.

Most of the arrangements made for parliamentary elections are also used at other elections.

1.2 How the review is conducted

The Members of Full Council are delegated to deal with this matter, and the legislation lays down how the review is to be conducted. On Commencement of the review the Returning Officer will be asked to make his representations on existing and proposed polling arrangements. The Council will publish the Returning Officer's proposals and will invite comments. The members will consider these before final recommendations are made to the Council on 17 October 2019.

The consultation must seek comments from people who have particular expertise in relation to access to premises or facilities for persons who have disabilities.

Any elector may make representations. It is proposed that the consultation will also include local political parties, district ward councillors, county councillors for East Cambridgeshire divisions, access group, local MP's, returning officers for parliamentary constituencies that fall within East Cambridgeshire boundaries and parish councils.

1.3 The role of the Electoral Commission

The Commission, while not having a direct responsibility for the review, can intervene where it considers that the reasonable requirements of electors or the needs of disabled electors have not been taken into account.

The following can 'appeal' to the Commission:

- Any parish council which falls within the constituency;
- Not less than thirty registered electors in the constituency;
- any person who has made representations during the review;
- any person who is not an elector in the constituency but who has sufficient interest or expertise in access to premises or facilities for disabled persons.

The Commission could direct the Council to alter any polling arrangements that arise from the review, and the Commission could make these alterations itself if the Council failed to respond within two months.

1.4 Our timetable for this review

Notice of start of review - 30 July
Council publishes the Returning Officer's proposals – 30 July
Consultation on this proposal ends on – 30 September
Report to Full Council – Thursday 17 October
Adoption by Council – Thursday 18 October
Arrangements come into force at the publication
of the next revised Register of Electors – 1 December 2019

1.5 Making Comments

Anyone intending to make comments is strongly urged to read the introductory comments to the Returning Officer's proposals. The Returning Officer has found that, by and large, the boundaries of our polling districts are co-terminous with the existing District and parish ward boundaries. Therefore, the Returning Officer, who considers that change for change's sake should be avoided in the review because it proves disruptive to the electors and their convenience, has recommended few changes.

That said, comments are still welcomed, and an early notification where major alterations are proposed will be appreciated, because it will enable the Electoral Services Officer to enter into further and more detailed consultation where required.

Comments that support the Returning Officer's proposals are also welcomed because they will provide a balance of opinions.

Comments should be made in writing to:

Joan Cox
Electoral Services Team Leader
The Grange

Nutholt Lane
Ely
Cambs
CB7 4EE

elections@eastcambs.gov.uk
joan.cox@eastcambs.gov.uk

Throughout the review, all working papers, minutes of meetings and correspondence will be available for public inspection at the Elections Office. All items will be published when the review has been completed.

2. The Returning Officer's Proposals

2.1 Introduction

The pattern of polling districts and polling places in the District of East Cambridgeshire has evolved to meet successive boundary changes to district and parish wards and to meet the convenience of electors across the district. By and large, it ensures that electors have reasonable facilities for voting. Furthermore, in line with the Council's policies, every attempt has been made to ensure that polling stations are accessible to electors with disabilities. Therefore, the proposals for change have been kept to a minimum.

2.2 Guidelines

The Returning Officer has taken the following considerations into account when drawing up the proposals. Comments made during the consultation should keep these in mind. The first four are requirements laid down in the Representation of the People Act; the remainder are guidelines only.

- The council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances;
- The council must seek to ensure that, so far as is reasonable and practicable, every polling place is accessible to electors with disabilities;
- Every parish shall be in a separate polling district;
- Ideally the polling place should be in the polling district;
- No polling station should be shared by two wards because of the risks associated with holding different elections in the same polling station;
- Ideally there should be no more than 2,500 electors per polling district, although the number of postal voters in the district (presently about 6,500, in an electorate of 65,500) is a further consideration.
- Polling district boundaries should be co-terminous with existing parish ward or district ward boundaries.
- Where existing polling districts serve no necessary function because the electors for each polling district already vote at the same polling station, the polling districts should be merged;
- A polling station costs about £3,000 to hire, equip and staff for polling day;
- The proposals have been mindful of further development in the district as identified in the Local Development Framework.

2.3 The Tables

Following a summary of the proposed changes, each district ward is dealt with separately. The tables show the existing polling arrangements in each district ward;

- The polling district identity letters
- The polling place for the district
- The polling station at that place
- The number of electors on 2 May 2019 (the date of the last elections)
- Disabled access, including where this is achieved by the use of a temporary ramp.

A map showing the present polling districts follows the tables.

2.4 Glossary of terms

District wards – The division of the district into areas for the purpose of electing councillors to represent its different parts. The district of East Cambridgeshire is divided into 14 district wards, but the wards are **not** the subject of this review.

Boundary reviews – the reviews of the boundaries of parishes, district or parliamentary constituencies. Boundary reviews are **not** part of this review.

Electoral arrangements – the allocation of councillors to a council and the division of a parish or district into wards with the allocation of councillors to wards. The electoral arrangements of the parishes and of the district are **not** the subject of this review.

Parish wards – the division of a parish into areas for the purpose of electing councillors to represent the different parts of the same parish, eg the parish of Ely is divided into four wards; the parish of Coveney is an unwarded parish. The parish wards are **not** the subject of this review.

Polling arrangements – the provision of reasonable and convenient facilities for the electors to cast their votes by the division of a constituency into polling districts with polling places and polling stations

Polling district – an area in the constituency for which the electors vote together at the same polling place.

Polling district letters – three letters that distinguish the polling district and that, together with the elector's number from the register of electors for that district, make up the elector's distinctive and unique electoral registration number. The polling district letters in the part of South East Cambridgeshire parliamentary constituency that falls within East Cambridgeshire boundaries have district letters ranging from HA through to MK.

Polling place – a readily identifiable place within the polling district to which the electors will go to vote.

Polling station – the building or part of a building at the polling place, which will serve as the venue for the poll; the extent of the polling station will depend upon local circumstances.

Summary of proposed changes:

The Returning Officer has carried out two similar reviews in the last 2 years so he has no new proposals to make for this review. But he is minded that an alternative venue needs to be found whilst the Vernon Cross Room of the Ely Museum is out of action whilst they undertake extensive refurbishments.

The Tables: Existing polling district, polling places and polling stations and the returning officers proposals

South East Cambridgeshire Constituency – Bottisham Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
KA1	Bottisham	Community Sports & Social Club Downing Close	1745	Yes
KC1	Lode	Fassage Hall Station Road	683	Yes
KD1	Reach	Reach Village Hall Fair Green	276	Yes
KE1	Swaffham Bulbeck	Downing Court Communal Room	671	Yes
KF1	Swaffham Prior	Swaffham Prior Village Hall High Street	664	Yes
MB1	Brinkley	Brinkley Memorial Hall High Street	301	Yes
MI6	Westley Waterless	Westley Waterless Village Hall Main Street	127	Yes with ramp
Returning Officer's Proposals				
No Change				

South East Cambridgeshire Constituency – Burwell Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
KB1	Burwell	Burwell Baptist Church Hall x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	2382	Yes
KB2	Burwell	The Gardiner Memorial Hall High Street x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	2489	Yes
The Returning Officer's Proposal				
No Change				

North East Cambridgeshire Constituency – Downham Ward

Existing Arrangements				
Polling District	Polling Places	Polling Stations	Electors	Disabled Access
IA1	Coveney	Coveney Village Hall School Lane	347	Yes
IB1	Downham South	Little Downham Village Centre Main Street	1694	Yes
ID1	Downham North	Pymoor Methodist Church Main Street	332	Yes
The Returning Officer's Proposal				
No Change				

South East Cambridgeshire Constituency – Ely East Ward

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
HA6	Stuntney	Stuntney Social Club Soham Road	226	Yes
HF1	Ely North	Larkfield Resource Centre High Barns x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	2695	Yes
HG1	Ely East	St Peter's Church Hall Broad Street	645	Yes
HK1	Ely East	Vernon Cross Room The Old Gaol House Lynn Road	980	Yes
The Returning Officer's Proposal				
In the Interim Review from 2017 for the County Divisions we identified the possible use of the City of Ely Council offices or Bell Holt Community Room as an alternative to the Vernon Cross Rooms, but would welcome any other suggestions on alternative venues. The refurbishments on The Museum are due to start Summer of 2019 for at least 12 months.				

South East Cambridgeshire Constituency – Ely North Ward

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
HC1	Prickwillow	Prickwillow Village Hall Main Street	428	Yes
HD6	Queen Adelaide	Queen Adelaide Village Hall Prickwillow Road	180	Yes
HF2	Ely North	Conference Room Princess of Wales Hospital	2436	Yes with ramp
HJ6	Chettisham	St Michael and All Angels Church Chettisham	112	Yes
The Returning Officer's Proposals				
No Change				

South East Cambridgeshire Constituency – Ely West Ward

Existing Arrangements				
Polling Districts	Polling Places	Polling Station	Electors	Disabled Access
HH1	Ely East	The Forum Barton Road	754	Yes
HI1	Ely West	Ely Methodist Church Chapel Street x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	3465	Yes
HI2	Ely South	Guide Hall St Johns Road x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	3243	Yes
The Returning Officer's Proposal				
No Change				

South East Cambridgeshire Constituency – Fordham & Isleham Ward

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
LA1	Chippenham	Chippenham Village Hall High Street	386	Yes
LB1	Fordham	Victoria Hall Carter Street	2084	Yes
LC1	Isleham	The Beeches Mill Street	1831	Yes
LE1	Kennett	Kennett Pavilion Station Road	275	Yes
LI6	Snailwell	The Conservatory Room of The George & Dragon Public House	131	Yes
The Returning Officer's Proposal				
No Change				

South East Cambridgeshire Constituency – Haddenham Ward

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
JA1	Haddenham	Arkenstall Centre Station Road x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	2438	Yes
JB1	Aldreth	Aldreth Village Centre High Street	205	Yes
The Returning Officer's Proposal				
No Change				

North East Cambridgeshire Constituency – Littleport Ward

Existing Arrangements				
Polling District	Polling Places	Polling Station	Electors	Disabled Access
IE1	Littleport	The Vine Community Rooms x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	2984	Yes
IF1	Littleport	Littleport Village Hall Victoria Street x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	3746	Yes
IG1	Littleport	The Community Centre Black Horse Drove	139	Yes
The Returning Officer's Proposal				
No change				

South East Cambridgeshire Constituency – Soham North Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
LF1	Soham North	Town Rangers Football Club Julius Martin Lane x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	3936	Yes with ramp
LG1	Soham Central	The Walter Gidney Pavilion Recreation Ground	987	Yes
The Returning Officer's Proposal				
No Change				

South East Cambridgeshire Constituency – Soham South Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
LG2	Soham South	The Walter Gidney Pavilion Recreation Ground	2218	Yes
LG3	Soham South	The Walter Gidney Pavilion Recreation Ground	1622	
LJ1	Wicken	The Mission Hall High Street	663	Yes
The Returning Officer's Proposals				
No Change				

South East Cambridgeshire Constituency – Stretham Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
JD1	Stretham	Stretham Church Hall	1556	Yes
JF1	Thetford	Little Thetford Village Hall The Wyches	575	Yes
JH1	Wilburton	St Peters Hall High Street	1026	Yes
JJ1	Witchford	St Andrews Hall Main Street x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	1908	Yes
The Returning Officer's Proposal				
No Change				

North East Cambridgeshire Constituency – Sutton Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
JC1	Mepal	Mepal Village Hall School Lane	790	Yes
JE1	Sutton	The Royal British Legion Hall x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.	3067	Yes
JG1	Wentworth	Wentworth Hall Church Road	131	Yes
JI1	Witcham	Witcham Village Hall Martins Lane	356	Yes
The Returning Officer's Proposals				
No Change				
Please note that although JG1 Wentworth forms part of Sutton Ward it is in fact still part of the South East Cambridgeshire Parliamentary Constituency.				

South East Cambridgeshire Constituency – Woodditton Ward

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
MA1	Ashley	Ashley Village Hall High Street	438	Yes
MC1	Burrough Green	Burrough Green Village Hall	316	Yes
MD1	Cheveley North	Newmarket Town Football Club Cricket Field Road	714	Yes
ME1	Cheveley South	Cheveley Primary School Community Room High Street	847	Yes
MF1	Dullingham	The Taylor Hall Church Close	579	Yes
MG1	Kirtling	Kirtling Village Hall	263	Yes
MH1	Stetchworth	Ellesmere Centre Ley Road	525	Yes
MJ1	Woodditton Urban	Newmarket Town Football Club Cricket Field Road	901	Yes
MK1	Woodditton Rural	Parsonage Farm Barns Parsonage Farm Lane	249	Yes
MK2	Woodditton Rural	Methodist Church Saxon Street	245	Yes
The Returning Officer's Proposals				
No Change				

General Comments

Please note that due to the LGBCE completing the County and District Review and this Council has completed a district wide Community Governance Review (CGR) to amend all of the known boundary anomalies following these reviews, there are still two boundary anomalies that cannot be fully rectified until the next Parliamentary review takes place.

As it currently stands we have one property now in Haddenham that will be placed in its own register that still sits in the North East Cambridgeshire Constituency, and we will ask the LGBCE if they would be minded to move it into the South East Cambridgeshire Constituency to be contiguous with all other boundaries for Haddenham.

As it currently stands we have four properties now in Ely West that will be placed in their own register that still sits in the North East Cambridgeshire Constituency, and we will ask the LGBCE if they would be minded to move them into the South East Cambridgeshire Constituency to be contiguous with all other boundaries for Ely West.

Please note that the Boundary Commission for England (BCE) have not completed their current Parliamentary Boundary review, but it is too late to ask them to consider the two anomalies as mentioned above. Please also note that once they have completed their current review it is their intention to move Littleport Ward from North East Cambridgeshire County Constituency to Thetford and Downham Market County Constituency.

Following the District and Parish Elections and the European elections earlier this year, we have received general feedback both from the polling station inspectors and the polling station staff on some minor improvements needed to their polling stations. They are as follows:

Consider the use of external lighting at Queen Adelaide Village Hall, Chettisham Church and The Conference Room at the Princess of Wales Hospital Ely.

Internal display boards for the various notices needed at St Peters Hall Ely, The Guide Hut St Johns Road Ely, and Walter Gidney Pavilion Soham.

Please mind the step notice required at Littleport Village Hall – we asked the Hall if this could be repaired between the elections, but was still a trip hazard at Europeans.

Please mind the step notice needed at the George & Dragon Snailwell, small lip on entrance door is a trip hazard.

Please mind the step notice needed at Brinkley Memorial Hall, there is a small trip step just inside the door.

A small wooden ramp is required at Westley Waterless.

Issues that are outside the remit of this review:-

The gravel driveway at Coveney is not suitable for people with mobility issues.

Lack of on-street parking outside St Andrews Hall Witchford for people with mobility issues.

Lack of on-street parking outside of the Methodist Church Ely for people with mobility issues.

Comments received from the review:-

Ely Community Centre are unable to guarantee the use of the building as they are currently undergoing a review of their services and may relocate another service to their site.

Stuntney Social Club are unable to guarantee the use of the hall as it is currently undergoing a review as to whether the Social Club will continue, it is uncertain at this stage as to whether the owner would allow us to use the hall or if they have other plans for the site.

Cllr C Ambrose Smith – Agreed all three current venues are easily accessible & reasonably central for the areas covered – The only other possible building would be Littleport Leisure on the Schools campus on Camel Road. This would provide more parking but would be a considerable distance for pedestrians, many of whom are elderly. Using school facilities (currently LECA, Community Primary or Millfield Primary) would disrupt the school day for pupils. The two primary schools also have parking issues at the start & end of the school day.

Littleport Parish Council wrote to inform us that they may be having a new entrance floor laid but would not affect the use of the hall for elections.

Kirtling Village Hall Trustees wrote to advise that they are having a new entrance to the village hall, but there were alternative ways of entering the hall and should not impact any elections.

Burwell Parish Council – wrote to advise that they are due to have some renovation/building work on the Gardiner Memorial Hall within the next four years. Should this coincide with an election they have offered the use of Mandeville Hall in Tan House Lane as an alternative venue.

The Access Group – They are happy with the overall accessibility arrangements. The elections office is always very diligent over access, and have it pretty much covered. Of course if anything arises they will let us know and if you need to consult us they are happy to help if they can.

Impact and Needs/Requirements Assessment (INRA)

Name of Policy:	Polling Districts, Polling Stations and Polling Places Review
Lead Officer (responsible for assessment):	John Hill Returning Officer/Joan Cox Electoral Services Team Leader
Department:	Democratic Services
Others Involved in the Assessment (i.e. peer review, external challenge):	
Date INRA Completed:	

'Policy' needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions.

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

To ensure that people have such reasonable facilities for voting as are practicable in the circumstances and to ensure reasonable and practicable accessibility for people with disabilities.

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

The electorate of the District.

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

Consultations with all District and County Councillors for East Cambridgeshire; Parish Councils; local MPs; Political Parties; the local Access Group; the County Council; relevant consultees on the Consultation Register. Public notified via public notices, information on the Council's website. In addition feedback on the suitability of Polling Stations was requested as part of the post- Police and Crime Commissioner Elections and the EU Referendum review process.

(d) **Does this policy have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of (please tick all that apply):**

Ethnicity
Gender
Disability

√

Age
Religion and Belief
Sexual Orientation

√

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

Proposed changes to polling stations regarded as positive to improve facilities provided and facilitate better access for particular groups in the community such as mothers with young children, elderly and people with disabilities.

Any changes may impact on a small number of local residents in terms of a longer travelling distance to proposed new polling station and limitations of public transport to achieve this, thereby more likely to affect the elderly or disabled. But balance has to be struck to ensure that the majority of the electorate use facilities that are of a reasonable and convenient nature in both location and distribution throughout the Polling District. Also because largely dependent on hire of community facilities, can be limited choice in particular areas.

However, this can be mitigated by the offer of a postal vote to any person not wishing to travel to a new or existing Polling Station.

(e) Does the policy have a differential impact on different groups?

YES

(f) Is the impact *adverse* (i.e. less favourable) on one or more groups?

Sometimes

(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?

NO

(h) What additional information is needed to provide a clear picture of how the activity is impacting on different communities and how will you collect this information, i.e. expert groups, further research, consultation* etc? Where there are major gaps in information that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the INRA.

Additional Information already gathered as part of the consultation process on Polling Places review (see (c) above) and from Election data held by Electoral Services Team Leader.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders. If you are consulting on a new or revised policy contact the Principal HR Officer.

(i) Do you envisage any problems with these methods of information collection? i.e. not accessible to all, timescale not long enough to obtain all of the necessary information, translation facilities not available, insufficient resources etc.

No problems

(j) If it has been possible to collect this additional information, summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

Results of Consultation exercise are summarised in report to Council on Polling Places Review.

Ely Community Centre are unable to guarantee the use of the building as they are currently undergoing a review of their services and may relocate another service to their site.

Stuntney Social Club are unable to guarantee the use of the hall as it is currently undergoing a review as to whether the Social Club will continue, it is uncertain at this stage as to whether the owner would allow us to use the hall or if they have other plans for the site.

Cllr C Ambrose Smith – Agreed all three current venues are easily accessible & reasonably central for the areas covered – The only other possible building would be Littleport Leisure on the Schools campus on Camel Road. This would provide more parking but would be a considerable distance for pedestrians, many of whom are elderly. Using school facilities (currently LECA, Community Primary or Millfield Primary) would disrupt the school day for pupils. The two primary schools also have parking issues at the start & end of the school day.

Littleport Parish Council wrote to inform us that they may be having a new entrance floor laid but would not affect the use of the hall for elections.

Kirtling Village Hall Trustees wrote to advise that they are having a new entrance to the village hall, but there were alternative ways of entering the hall and should not impact any elections.

Burwell Parish Council – wrote to advise that they are due to have some renovation/building work on the Gardiner Memorial Hall within the next four years. Should this coincide with an election they have offered the use of Mandeville Hall in Tan House Lane as an alternative venue.

The Access Group – They are happy with the overall accessibility arrangements. The elections office is always very diligent over access, and have it pretty much covered. Of course if anything arises they will let us know and if you need to consult us they are happy to help if they can.

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

Could be an impact in terms of people without access to a vehicle or dependent on public transport, e.g. elderly, people with disabilities, but can be mitigated by the offer of a postal vote to any person not wishing to travel to a new or existing Polling Station.

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

Option 1:	No major changes, the evidence shows no potential for discrimination.	
Option 2:	Adjust the policy to remove barriers or to better promote equality.	√
Option 3:	Continue the policy despite potential for adverse impact or missed opportunity to promote equality.	
Option 4:	Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed.	

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

Could be an impact in terms of people without access to a vehicle or dependent on public transport, e.g. elderly, people with disabilities, but can be mitigated by the offer of a postal vote to any person not wishing to travel to a new or existing Polling Station.

This completed INRA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to Nicole Pema, Principal HR Officer.**

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

Signatures:

Completing Officer: _____ **Date:** _____

Head of Service: _____ **Date:** _____

REVIEW OF MEMBERS' ALLOWANCES – REPORT OF THE INDEPENDENT REMUNERATION PANEL

Committee: Council

Date: 17 October 2019

Author: Democratic Services Manager

[U92]

1.0 ISSUE

- 1.1 To consider the recommendations of the Independent Remuneration Panel (IRP) relating to Members' Allowances.

2.0 RECOMMENDATIONS

- 2.1 That Council approve the recommendations of the Independent Remuneration Panel (IRP) as set out at Appendix A or approve an alternative scheme of Members' Allowances, and consider whether to backdate these.
- 2.2 That Council considers the IRP comments in paragraph 6.3 of their report.

3.0 BACKGROUND/OPTIONS

- 3.1 The current Independent Remuneration Panel (IRP) was originally appointed by a process agreed by the then Corporate Governance and Finance Committee on 28 July 2016. It was re-convened by full Council on 21 February 2019 specifically to consider the remuneration of the Leader and Deputy Leader of the Council, but this review was extended in the light of a request from the Cambridgeshire and Peterborough Combined Authority for Constituent Authorities to consider the payment of allowances to their representatives on the Combined Authority (CA) as the CA is excluded by law from paying such allowances. The review was being progressed when, following discussions with the two Political Group Leaders, it was agreed (via the action taken on the grounds of urgency procedure) to widen the review further to a full review of Members' Allowances following the recent elections and changes to the Committee structure and to make recommendations to the October Council meeting, rather than having to convene another Panel in 2020 as required by statute (urgent action reported to this Council meeting under Agenda Item 21).
- 3.2 The following 4 Lay Members comprised the IRP that completed the review:
- Richard Tyler (Chairman)
Margaret Clark
Stanley Curtis
Richard Powell
- 3.3 The full IRP report is attached at Appendix A. Councillors are asked to consider the recommendations of the IRP and take a decision on the level of allowances

and the date that they should take effect from. These could be backdated to the election of the new Council or take effect from the date today's decision.

3.4 Members also are asked to consider the 'other recommendations' of the IRP in paragraph 6.3 of their report and make any response in relation to these.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 The scheme of allowances recommended by the IRP would cost approximately an additional £40,000 per annum, based on the existing allowances Scheme. A financial appraisal based on the IRP recommendations is attached at Appendix B.

4.2 Equality Impact Assessment (INRA) not required.

5.0 APPENDICES

Appendix A - Report of the Independent Remuneration Panel

Appendix B – Financial Appraisal

Background Documents

IRP Information Pack and comparative salary information documents, etc provided to IRP held on file in Room 214B, The Grange.

Location

Room 214B
The Grange,
Ely

Contact Officer

Tracy Couper
Democratic Services Manager
(01353) 616278
E-mail:
tracy.couper@eastcambs.gov.uk

REPORT OF COUNCIL'S
INDEPENDENT REMUNERATION
PANEL (IRP)

Review of Members Allowances
Scheme

October 2019

1. Introduction/Background

1.1 This report presents the recommendations of the Independent Remuneration Panel (IRP) to the Council for its consideration and approval.

1.2 The current Panel was originally appointed by a process agreed by the then Corporate Governance and Finance Committee on 28 July 2016. It was re-convened by full Council on 21 February 2019 specifically to consider the remuneration of the Leader and Deputy Leader of the Council, but this review was extended in the light of a request from the Cambridgeshire and Peterborough Combined Authority for Constituent Authorities to consider the payment of allowances to their representatives on the Combined Authority (CA) as the CA is excluded by law from paying such allowances. The review was being progressed when, following discussions with the two Political Group Leaders, it was agreed (via the action taken on the grounds of urgency procedure) to widen the review further to a full review of Members' Allowances following the recent elections and changes to the Committee structure and to make recommendations to the October Council meeting, rather than having to convene another Panel in 2020 as required by statute.

1.3 The IRP comprises the following 4 Lay Members:

Richard Tyler (Chair of the Panel) – retired Chartered Accountant from Witchford who undertakes accountancy work for charity organisations locally. Other community work includes Bishop Laney's Charity, President of Rotary Club of Ely, Trustee of Ely Community Unit and Chairman of the Ely Fireworks Committee.

Richard Powell – retired teacher from Kings School, Ely. Resident of Haddenham. Played for, and was Chairman of, Sutton Cricket Club for many years. Sits on the Cambridgeshire Education Admissions Appeals Panel.

Margaret Clark - worked in the legal profession for many years (about 35) before retiring. Littleport resident and since retiring has been working with the Ely Social Car Scheme and Care Network. Library visitor and also sits on the Cambridgeshire Education Admissions Appeals Panel.

Stanley Curtis - Originally trained as an electronics engineer. Extensive experience in managing and developing both SMEs in the UK and large companies internationally in China, Malaysia and the USA. Currently owns a small Agri-Tech business based in Littleport. Chair of the Community Centre Trust in Ramsey where he lived before moving to Soham in 2016.

1.4 The Democratic Services Manager acted as clerk and adviser to the Panel.

2. Terms of Reference

2.1 The Panel has to work within the legislative constraints of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated Government Guidance on Regulation for Local Authority Allowances.

2.2 These Regulations/Guidance require the IRP to make recommendations on:

- The amount of Basic Allowance payable to Councillors;
- The responsibilities and duties that lead to payment of a Special Responsibility Allowance (SRA) and the amounts of such allowances;
- Backdating of allowances;
- The amounts and duties for which travelling and subsistence allowances can be paid;
- Allowances for Co-opted Members;
- Whether the Scheme should include an allowance for the expenses of arranging care for children and dependents and, if so, the amount of the allowance;
- Whether annual adjustments should be made to allowance levels by means of an index and, if so, for how long such a measure should last, up to a maximum period of 4 years;
- Whether the Basic Allowance and Special Responsibility Allowances should be pensionable and which Members should be entitled to pensions (*no longer applicable as Government announced that Councillors who are not existing members of the Local Government Pension Scheme on 1 April 2014 may not join the scheme after that date*).

2.3 With regard to Cambridgeshire and Peterborough Combined Authority, the Schedule to the Cambridgeshire and Peterborough Combined Authority Order 2017 containing the Constitution, sets out the following in relation to allowances payable by the Combined Authority:

Remuneration

8. (1) *Save as provided for in sub-paragraph (2), no remuneration is to be payable by the Combined Authority to its members.*
- (2) *The Combined Authority may only pay an allowance to the Mayor if—*
- (a) *the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003(3) which contains recommendations for such an allowance; and*
- (b) *the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.*

Therefore, it is a matter for Constituent Councils to decide if they wish to reflect in their allowances schemes any payment to its Members serving on the Combined Authority.

- 2.4 Bearing in mind that we had almost completed our review of allowances relating to the East Cambridgeshire Members serving on the Combined Authority and that this role did seem to be distinct from the other roles and responsibilities of Councillors on the District Council, we have divided our report into two sections: the first relating to Combined Authority allowances and the second to the general review of Members' allowances.

3. Combined Authority Allowances

- 3.1 The Panel was provided with the Job Profiles for the Leader and Deputy Leader of the Council submitted to the full Council meeting on 21 February 2019 and information relating to the Council's other representatives serving on the Combined Authority. The IRP interviewed Councillor Bailey as the Council's representative on the CA Board; Councillor Dupré as a Member and Chairman of the CA Overview and Scrutiny Committee; and Councillor Sharp as a Member of the Overview and Scrutiny Committee and former Member of the Audit & Governance Committee. E-mail correspondence with the other Constituent Councils showed that only Cambridge City Council currently was paying allowances to its CA Members, with the other Councils only paying travelling expenses. The level of allowances paid by Cambridge City Council was as follows:

- Member of CA Board (Cllr Herbert) receives £4,677 per annum.
- Two scrutiny members receive £1,169 per annum (Each)
- Member of Audit & Governance Committee receives £467 per annum

- 3.2 Further correspondence with the other Constituent Councils revealed that some had IRPs due to meet this autumn and would be considering paying allowances to their CA Members. With the exception of Cambridge City Council, the Constituent Councils did not provide any direct administrative, policy, or research support to their CA Members for this role. We attempted to get Councillor Herbert's views on the allowances/support offered by Cambridge City Council via a telephone interview, but this proved unsuccessful.

3.3 Conclusions/Recommendations

- 3.3.1 From the information gathered and interviews, we concluded that this was a significant new role for the Leader and Deputy Leader and the other Members serving on the CA, in terms of the time commitment, complexity, high worth, high profile and far-reaching nature of the decisions, projects, and policies that the Combined Authority is responsible for. We were very surprised that such a high level of additional commitment was expected on

top of the normal 'day job' of a Councillor, without the CA being able to provide some form of allowances or remuneration for this. This was not the case for the vast majority of other authorities and public sector bodies.

3.3.2 The only benchmark we had was the level of allowances already agreed by Cambridge City Council. We believe, as a principle, that the Constituent Council Members on the CA should receive allowances for this role, to be consistent with other local authorities and public sector bodies. We also are aware that, if the CA could pay such allowances itself, these would be paid at the same rate for each particular type of role, irrespective of which Constituent Council the Member came from.

3.3.3 **Therefore, we have recommended the following Special Responsibility Allowances (SRAs) for CA Members:**

- **CA Board Member: £5,000 per annum**
- **CA Board Deputy Member: £1,500 per annum**
- **CA Overview & Scrutiny Committee Member: £1,500 per annum (each)**
- **CA Audit & Governance Committee Member: £800 per annum**
- **CA Executive Committee Member (if not Board Member or Deputy): £800 per annum**

Rationale – This was consistent with what Cambridge City Council was paying its CA Members and seemed a reasonable level of SRAs for the extensive nature of the roles and responsibilities based on the information we obtained via supporting documents, interviews, etc. We felt that the payment of an SRA for the Deputy Board Member was appropriate, since the role required that person to keep abreast of the activities and issues relating to the CA and they would frequently be expected to deputise for the Board Member. We have not recommended a SRA for the substitute Members on O&S and Audit & Governance Committees at this stage.

As we were concluding our review, we were advised that the CA had completed a governance review and at the CA Board meeting on 26 September 2019 had approved the establishment of Executive Committees which would meet 6 times per year and could include Councillor appointees from the Constituent Councils other than the CA Board Member or Deputy. As the proposed frequency of Executive Committee meetings was to be the same as the Audit & Governance Committee and, although we suspect that the business of these Committees will be higher we have no information on this at present, we have recommended a SRA for any Executive Committee Member appointed who are not the CA Board Member or Deputy, at the same level as that for the CA Audit & Governance Committee Member.

4. General Review of Members' Allowances

- 4.1 The Panel was provided with a comprehensive information pack detailing the existing allowances scheme and general information on East Cambridgeshire District Council. This information pack also contained the final report of the 2017 IRP and Minute of the Council meeting in July 2017 showing the final decisions thereon; comparative data for the Members Allowances Schemes of other Councils locally; and the comparative salary scales of other public sector bodies nationally.
- 4.2 The Panel produced a Questionnaire which was E-mailed to all Councillors and received 10 completed questionnaires back from the 28 that were sent out. 6 Councillors then were interviewed, selected by the Panel as a representative cross-section of Members, to obtain their viewpoints regarding their role as a Councillor and the allowances paid.
- 4.3 After meeting on 7 separate occasions, including 3 sessions interviewing Councillors, the Panel now have completed their review. In formulating their recommendations, they have taken into account allowances, additional responsibilities, additional duties and other expenses available to Councillors. The Panel also took into account the level of allowances other local authorities made to their Members.
- 4.4 Arising from the information provided to them and the Member Questionnaires and interviews, the following principles guided the deliberations of the IRP:
- Allowance levels should reflect the increasing responsibilities and commitment expected and required of Councillors, their 'professional' conduct and depth of knowledge, but also include an element of 'voluntary' public service by Councillors. The evidence provided showed these duties had changed/increased significantly from 2017 and, in particular, since the size of the Council reduced from 39 to 28 Councillors from the May 2019 elections.
 - The recommendations made by the IRP should be easy to understand, simple to apply and open to wider public scrutiny. This was why the IRP preferred to propose any increases in pounds rather than percentages, to make them more meaningful.
 - The allowances should assist in the recruitment of Councillors to generally reflect the make-up of the local community and not just those people who have the time and money to undertake the role. The IRP regarded it as important to have a mixture of working and retired Councillors. The level of diversity has greatly improved following the recent elections, with a much higher level of younger and employed

Councillors and more female than male Councillors. Every effort should be made to retain such diversity.

- The ECDC Basic Allowance is broadly comparable with the other District Councils within the County, but the Special Responsibility Allowances (SRAs) are significantly lower.
- Local public opinion of national and local politicians seems to be deteriorating and there seems to be limited public awareness of the nature and complexity of the role and the time spent by Members on their duties as a District Councillor.

5. Questionnaire/Member Interviews - Results

Summary of questionnaire/Member interview findings:

5.1 The following key points emerged from the questionnaires and interviews, which shaped the IRP's deliberations on allowances:

- Councillors did not keep detailed records of the time spent on Councillor duties (e.g. a timesheet), so their assessments were likely to be an underestimate of the time spent on the role.
- However, the questionnaire/interview results showed that the time spent on Councillor duties (approx. 55 hours per month for a backbench Councillor) was similar to the findings of the previous IRPs, so this gave a reassurance of consistency.
- Many of the new Councillors elected in May 2019, a large proportion of whom are younger and in employment, did not appreciate the level of time required to undertake their duties as a Councillor and did not know what allowances would be paid to them. Some are now experiencing difficulties in fitting-in their Councillor role with their other commitments, which may mean that they are unable to serve as a Councillor for a second term.
- The current allowances do not in any way recompense employed Councillors for the time lost on Council duties and the fact that they are taxable further penalises working Councillors.
- Some Members believe that the allowances are low, but are also conscious of public perception of addressing this by increasing the allowances significantly. However, they acknowledge the need to retain or recruit younger working Councillors as 'new blood'.

- Some Councillors do not claim all of the allowances that they are entitled to for a range of reasons. But the IRP believe that this should not influence the setting of allowances as it would distort the level of the allowances, meaning that some groups in the community are unable to or discouraged from becoming Councillors and that the public perception of local democracy is 'trivialised'.
- Some Councillors did not claim the 'expenses' type of allowances such as mileage due to living in Ely or its locality and/or feeling that it was 'more trouble than it was worth', as they have not got to grips with the new method of claiming electronically via the Council's new Payroll and HR System.
- Some of the longer-standing Members interviewed regarded the voluntary element of being a Councillor as very important.
- Although not strictly within the remit of the IRP, a number of Councillors raised the issue of the Members IT Allowance and the fact that this was taxable.

6. Conclusions and Recommendations

6.1 Overall Rationale

6.1.1 Based upon the information provided to the IRP, the Members Allowances recommended below would go some way towards addressing the fact that whilst the ECDC Basic Allowance is broadly comparable with the other District Councils within the County, ECDC SRAs are significantly lower than those paid by the majority of other Councils both locally and nationally (see Appendix 1).

6.1.2 Based on the National Living Wage currently set at £8.21 per hour, Councillors are barely achieving the minimum wage for the level of time that they are spending on their duties, for the complex, high profile and sensitive roles that they are undertaking.

6.2 IRP Recommendations

6.2.1 'Expenses' elements of Members Allowances Scheme

Mileage

Inland Revenue Rate of 45p per mile

Rationale – remain at Inland Revenue Rate and be increased in accordance with that rate, to avoid taxation issues.

Cycles/Motorcycles

25p per mile

Rationale – recommend remain the same.

Public Transport

Necessary travel to be refunded on receipt of claims, paid at Standard or Second Class rate.

Rationale – recommend remain the same.

Subsistence

Allowance	Current Amount
Breakfast	£7.50
Lunch	£10.00
Tea	£4.00
Evening Meal	£12.50

Rationale – previously based upon East of England Local Government Association (EELGA) guidelines (the successor to the East of England Regional Assembly) used for Council employees. These still seemed relatively valid, although may be regarded as a little on the modest side, so recommend remain the same.

Overnight Accommodation

For an absence overnight from the usual place of residence the rate will be based on actual reimbursement for a reasonable area rate of accommodation. Payment should not exceed the cost of 3 star or equivalent accommodation and claims for overnight stays within Cambridgeshire will not be approved.

Rationale – recommend remain the same.

Creche or Dependent Carers Allowance

Councillors be able to claim an hourly rate to accord with the National Living Wage.

Rationale – recommend remain the same.

6.2.2 Basic Allowance

Recommended: £5,406 per annum

(currently £5,406 per annum)

Rationale – recommend remain the same, as comparable to other Councils within the County and was increased in 2017 to reflect the reduction in the number of Councillors from the Elections in May 2019. Councillors responses from the questionnaires/interviews generally indicated that this level was appropriate, allowing for the expectation of a significant element of voluntary service.

6.2.3 Special Responsibility Allowances (SRAs) - Committees

	<u>Recommended Chair</u>	<u>Recommended Vice Chair</u>	Current Chair	Current Vice-Chair
Policy Committees:				
Finance & Assets	£4,500	£1,500	£3060	£714
Operational Services	£4,500	£1,500	£3060	£714
Regulatory Committees:				
Planning Committee	£4,500	£2,250	£3,060	£1,530
Licensing Committee	£3,000	£1,000	£2,040	£510
Sub Committee and Working Party	£75 per month	£25 per month	£51 per month	N/A

Rationale – ECDC SRAs are lower than comparator Councils locally, regionally and nationally (see Appendix 1). These increases will bring the SRAs for Committee Chairman and Vice-Chairman more in line with other Councils and better reflect the additional level of responsibilities and time commitment involved. As the role of Vice-Chairs has increased in recent years and they now are often called upon to chair meetings in the absence of the Chairman, we have recommended that the ratio for this SRA be increased to 1/3 of the Chair's allowance, with the exception of Planning Committee which remains at ½. Since Sub-Committees and Working Parties are more often appointing Vice-Chairman, we have recommended a SRA for this role.

6.2.4 SRAs – Political Groups

	<u>Recommended</u>	Current
Leader of Council	£9,000	£6,120
Deputy Leader of Council	£4,500	£2,040
Leader of Lead Political Group	£4,500	£2,040
Leader of Main Opposition Group	£4,500	£2,040
Deputy Leader of Main Opposition Group	£2,250	-
Other Political Group Leader (Group of 5 or more)	£4,500	N/A
Other Political Group Leader (Group of less than 5)	£ pro rata by number of Members	N/A
Independent Member	£900	

(Currently:

- Leader of Council – twice SRA for 'high weight' Committee Chair;

- Deputy Leader/Group Leaders – 33% of Leader’s Allowance;
- Independent Member – fixed allowance £379.)

Rationale – maintained above ratio for Leader of Council, but increased ratio for Deputy Leader of Council and Group Leaders SRAs to 50% to reflect responsibilities of roles gained from questionnaires/interviews. Also recommended a SRA for Deputy Group Leader of main opposition Group at 50% of Group Leader, due to information received on the nature of this role.

6.2.5 SRAs - Group Spokespersons Allowance

Recommended: To be paid to the Group Spokesperson for each Committee at 20% of the relevant Chairman’s Special Responsibility Allowance.

(Currently:

To be paid to the Liberal Democrats for those sitting on Policy Committees and Planning Committee, and to the Independent Spokesperson on Planning Committee at 10% of the relevant Chairman’s Special Responsibility Allowance.)

Rationale – Increase to 20% of the relevant Chairman’s Special Responsibility Allowance reflects better information about the role from questionnaires/interviews.

6.2.6 SRAs – General

Recommended: That Councillors only be allowed to claim a maximum of 2 Special Responsibility Allowances (SRAs).

Rationale – This is a practice adopted by many Councils locally and nationally and seems reasonable to prevent the perception that the same Councillors are receiving a disproportionate level of allowances.

6.2.7 Chairman & Vice-Chairman of Council Allowances

Recommended: Chairman: £5,000 Vice-Chairman: £2,500

(Currently Chairman: £4,284 Vice-Chairman: £1,122)

Rationale – Whilst these allowances are paid pursuant to Section 3(5) and 5(4) of the Local Government Act 1972, they are usually only reviewed in conjunction with the IRP review of Members Allowances. The role and responsibilities of the Chairman and Vice-Chairman of the Council have increased in recent years, due to the rise in the volume, complexity and sensitivity of business going to full Council and also the greater level of Civic/Ceremonial duties. In addition, the Vice-Chairman often has to deputise for the Chairman on Civic/Ceremonial duties, due to the volume of these, and has been called upon to Chair Council meetings in recent years in the absence of the Chairman. Therefore, we believe that these

roles should be remunerated more in line with other senior Member SRAs and slightly more than the Chair of a Committee due to the Civic/Ceremonial dimension.

6.2.8 Co-Optee Allowance/Independent Person Allowance

Recommended:

Independent Person (x2) - £1,000 per year

Parish/Town Council Member of Finance & Assets Hearings Sub-Committee (x2) - £275 per year

(Currently: Independent Person (x2) - £765 per year

Parish/Town Council Member of Finance & Assets Hearings Sub-Committee (x2)
- £255 per year)

Rationale – These allowances have not been increased for a number of years and the Independent Persons are increasingly being consulted regarding Code of Conduct complaints against District and Parish Councillors. The more modest increase for co-opted Parish/Town Council Members of Finance & Assets Hearings Sub-Committee reflects the fact that these co-opted Members are only required to serve in the event of a Hearings Panel being convened.

6.2.9 Pensions

No longer applicable, as Government announced that Councillors who are not existing members of the Local Government Pension Scheme on 1 April 2014 may not join the scheme after that date.

6.2.10 Indexation

The Basic Allowance and Special Responsibility Allowances should be indexed to the level of the local government staff pay award for the year concerned.

Rationale – retain current indexation factor.

6.3 Other Recommendations

Arising from our work and findings we would like to make the following additional recommendations:

6.3.1 A number of Members were not currently claiming the 'expenses' elements of the Members' Allowances Scheme. Some Members commented that this was partly due to the introduction of a new electronic claims process, so perhaps greater training/assistance with this is required.

6.3.2 A number of Members commented as part of the interview process on the large and complex volume of paperwork they were required to read and digest as part of their role as a Councillor. Therefore, the Council may wish to consider whether any internal support can be provided to Councillors to assist them to precis long and complex documents/agendas, etc.

7. Appendices

Annexe 1 - Allowances paid by comparator Councils

Annex 1

Authority	Basic	Leader	Deputy Leader	Cabinet	Council Chair	Planning Cttee Chair	Scrutiny Cttee Chair	Licensing Cttee Chair	Other Cttee Chair	Co-optees
SCDC 2018-19 Size: 45 Cllrs Electors per Cllr: 2603 (2016)	£4,912	£10,718	£8,040	£7,147	£4,042 (£2,020 for Vice-Chair)	£4,612 (£2,309 for Vice-Chair)	£3,637 (£1,818 for Vice-Chair)	£520	(£3,637 Leader of Opposition) (£1,847 Corporate Governance) (£461 Civic Affairs) (£448 Employment Committee)	(£1,030 Independent Member) (£515 Deputy Independent Member)
Prior to increase in allowances at Council meeting on 26 September 2019										
Fenland 2017-18 Size: 39 Cllrs Electors per Cllr: 1933 (2011)	£4,723. 44	£16,509	-	£8,500	£4,116 (£940 for Vice-Chair)	£8,000 (£0 for Vice-Chair)	£8,000 (£0 for Vice-Chair)	£3,274	(£5,706 Leader of Opposition) (£2,000 Leader of other groups) (£1,637 Corporate Governance.)	(£1,032 Independent Member) (£516 Deputy Independent Member)
East Herts (p.361) 2015-16 Size: 50 Cllrs	£5,375	£19,354	£12,226	£9,781	£7,336 (£2,200 for Vice-Chair)	-	£6,464	£6,051	(£4,842 Audit & Governance.)	0.1 of Basic x by no. of Ind Cllrs. e.g. 537.50 x 2

Authority	Basic	Leader	Deputy Leader	Cabinet	Council Chair	Planning Cttee Chair	Scrutiny Cttee Chair	Licensing Cttee Chair	Other Cttee Chair	Co-optees
Uttlesford 2017-18 Size: 39 Cllrs	£5,100	£12,496	£6,630	£6,120	£4,080 (£2,040 Vice-Chair)	£3,825 (£470 Members of Committee)	£3,570	£3,825	(£3,570 Major opposition group leader) (£2,040 other group leaders)	£510 Independent member of standards
Peterborough City Council (Constitution) Size: 60 Cllrs	£10,100	£30,300	£20,201	£15,150	-	£9,090	£7,575	£7,575	(£7,575 Cabinet Advisers) (£7,575 Chairman of Audit)	£1,000 Ind. person £500 Deputy Ind. Person
North Norfolk Size: 48 Cllrs	£5,151	10,452	-	£7,002	£2,500	£4,014 (£1,439 Vice-Chair)	£3,602	£3,602	(£3,602 Audit) (£3,602 Standards)	-
North Wiltshire No longer exists, replaced by Wiltshire Council (unitary)	-	-	-	-	-	-	-	-	-	-
South Kesteven Size: 56 Cllrs	£5,407	£18,924.50	£14,869.25	£10,814	-	£4,866.30 (£1,605.88 Vice-Chair)	£5,407 (£1,784.31 Vice-Chair)	£2,973.85 (£981.37 Vice-Chair)	(£3,604.67 Audit, Employment & Shareholder Chair)	-

Authority	Basic	Leader	Deputy Leader	Cabinet	Council Chair	Planning Cttee Chair	Scrutiny Cttee Chair	Licensing Cttee Chair	Other Cttee Chair	Co-optees
South Norfolk Size: 46 Cllrs	£4,770	£12,402	-	£6,201 (£2,862 Deputy Cabinet Members)	£6,201 (£1,431 Vice-Chair)	£6,201 (£1,431 Vice-Chair)	£4,770 (£1,431 Vice-Chair)	£1,431	(£1,189.54 Audit, Employment & Shareholder Vice-Chair) (£5,407 Pro Rata Leader of Opposition) (£2,862 Leader of Opposition) (£2,862 Chair Electoral Arrangements) (£1,431 Chair Standards Committee)	-
South Oxfordshire Size: 35 Cllrs	£4,633	£18,532	£12,973	£9,266	£4,633 (£1,390 Vice-Chair)	£5,560 (£2,780 Vice-Chair)	£2,780	£1,853	(£1,853 Leader of Opposition)	-
East Cambs Size: 28 Cllrs Electors per Cllr: 2340 (2016)	£5,300	£6,000	£2,000	N/A NB East Cambs have a Committee system	£4,200 (£1,100 Vice-Chair)	£3,000 (£1,500 Vice-Chair)	N/A NB East Cambs have a Committee system	£2,000 (£500 Vice-Chair)	£3,000 for Services Committee Chair (£700 Vice-Chair) £2,000 for Leaders of	£750 Lead Independent (£400 Deputy)

Authority	Basic	Leader	Deputy Leader	Cabinet	Council Chair	Planning Cttee Chair	Scrutiny Cttee Chair	Licensing Cttee Chair	Other Cttee Chair	Co-optees
Hunts Size: 52 Cllrs Electors per Cllr: 2515 (2015)	£4,500	£16,000	£12,000	£8,394	£3,763 (£1,563 Vice- Chair)	£6,331 (£2,104 Vice-Chair) (£695 for members of Committee)	£5,604 (£1,401 Vice-Chair)	£6,311 (£2,104 Vice- Chair)	Cons and Lib/Dem Groups £2,779 for Audit & Employment Committee (£927 Vice- Chairs) (Opposition Leader: £4,500) (Opposition Deputy: £723) (Minor Opposition Leader: £723)	£231 for co- opted members of Standards Committee
Cambridge City Council 2016-17 Size: 42 Cllrs	£4,677	£12,862	-	£9,354	They have a Mayor	£4,677 (Vice-Chair: £2,339) £702 per member	£1,871 Minority Spokes Dem) (£1,871 Lib Ind/Green)	£1,169 (£351 member)	(Leader of Opposition: £4,677) (Civic Affairs £1,169)	-

INDEPENDENT REMUNERATION REVIEW 2019

Allowance	Current	Proposed	Difference	Number of Occasions	Additional Cost
Basic Allowance (per annum)	5,406	5,406	0	28	0
SRA - Policy Committee - Chair	3,060	4,500	1,440	2	2,880
SRA - Policy Committee - Vice Chair	714	1,500	786	2	1,572
SRA - Planning Committee - Chair	3,060	4,500	1,440	1	1,440
SRA - Planning Committee - Vice Chair	1,530	2,250	720	1	720
SRA - Licensing Committee - Chair	2,040	3,000	960	1	960
SRA - Licensing Committee - Vice Chair	510	1,000	490	1	490
SRA - Working Party and Sub Committee - Chair	51	75	24	36	864
SRA - Working Party and Sub Committee - Vice Chair		25	25	36	900
Group Allowance - Leader of Council	6,120	9,000	2,880	1	2,880
Group Allowance - Deputy Leader of Council	2,040	4,500	2,460	1	2,460
Group Allowance - Leader of Conservative Group	2,040	4,500	2,460	1	2,460
Group Allowance - Leader of Liberal Democrats	2,040	4,500	2,460	1	2,460
Group Allowance - Deputy Leader of Liberal Democrats		2,250	2,250	1	2,250
Group Allowance - Independent Members		4,500	4,500	0	0
Chairman of Council	4,284	5,000	716	1	716
Vice-Chairman of Council	1,122	2,500	1,378	1	1,378
Independent Person	765	1,000	235	2	470
CA Board Member		5,000	5,000	1	5,000
CA Board Deputy Member		1,500	1,500	1	1,500
CA Overview & Scrutiny Committee		1,500	1,500	2	3,000
CA Audit & Governance Committee		800	800	1	800
CA Executive Committee Member		800	800	3	2,400
Parish Council Member of F&A Hearings Sub-Committee	255	275	20	2	40
Group Spokesperson Allowance - LD	306	900	594	4	2,376
Total					40,016

REVIEW OF THE CONSTITUTION

Committee: Council

Date: 17 October 2019

Report Author: Democratic Services Manager and Legal Services Manager &
Monitoring Officer

[U93]

1.0 **ISSUE**

1.1 To review the Constitution and consider proposed amendments.

2.0 **RECOMMENDATIONS**

2.1 That Council be recommended to approve the proposed amendments to the Constitution, detailed at Appendix 1.

2.2 That the Legal Services Manager and Democratic Services Manager be authorised to make any consequential changes to the Constitution arising from the agreed amendments.

3.0 **BACKGROUND/OPTIONS**

3.1 Due to some anomalies identified in the current version, a review of the Constitution has taken place to propose amendments to address these anomalies, and to update documents in the light of new legislation, changes in practices, or to reflect changes in the Committee structure and political arrangements of the Council. The proposed amendments are contained within Appendix 1 and the related annexes.

4.0 **ARGUMENTS/CONCLUSIONS**

4.1 As detailed in Issues Paper.

5.0 **FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT (EIA)**

5.1 No additional financial implications.

5.2 EIA not required.

6.0 **APPENDICES**

Appendix 1 - Review of Constitution Issues Paper

Background Documents

Current version of
Constitution July 2019

Location

Room 214B
The Grange
Ely

Contact Officer

Tracy Couper
Democratic Services Manager & DMO
(01353) 665555
E-mail:
tracy.couper@eastcambs.gov.uk

REVIEW OF CONSTITUTION – PROPOSED AMENDMENTS

PART 3: 1. RESPONSIBILITY FOR FUNCTIONS

A COUNCIL

B POLICY COMMITTEES

Paper on suggested Changes to the ECDC Constitution in relation to Planning Policy related decisions (attached as Annexe A).

Authorise Monitoring Officer to amend wording of Terms of Reference of both Policy Committees to reflect any revision to Shareholder arrangements approved under Agenda Items 14 & 15 on this Council Agenda.

C REGULATORY COMMITTEES

(i) Licensing Committee

Revised Terms of Reference for Licensing Committee and Licensing Sub-Committees submitted to Licensing Committee approved on 11 September 2019 in report regarding Licensing Sub-Committees (***attached as Annexe C***).

PART 4: RULES OF PROCEDURE

1. COUNCIL PROCEDURE RULES (***Revised Council Procedure Rules attached as Annexe B with proposed amendments detailed below shown as 'track changes'***)

8. Questions from the Public (Public Question Time)

At present, there is no limit on the time for individual questions, meaning that one questioner could use the full 15 minutes of Public Question Time when there are a number of questions in the box. Therefore, proposed that a limit of one question/statement per person and 5 minutes for question/statement and response be set, unless Chairman determines otherwise.

10. Motions with Notice

Insert as 10.6 the requirement for amendments to Motions with Notice to be submitted in writing at least 24 hours before the meeting at which the Motion will be discussed. This will enable any amendments to Motions with Notice to be checked for validity prior to the meeting and so prevent the potential need for a meeting to be adjourned to do so.

18. Respect for Chair

Current wording could be misinterpreted to halt debate. Revise wording to state that 'Whenever Chairman requires it during a debate, any Member(s) then standing and/or speaking must resume his/her seat and cease speaking'.

19.3 Members' Conduct

Democratic Services Manager (DSM) to produce Procedure/Chair's script for impolite/unruly/disruptive behaviour by Members at a meeting to accord with this Council Procedure Rule (CPR).

20. Rescission of Preceding Resolution ('6 month rule')

To address ambiguity in current wording, period of notice for a rescission motion to be set as same as other Motions with Notice, i.e. 8 clear working days [to accord with CPR 10.1].

24.3 Co-option

Delete 24.3.8, as it is possible that co-opted members of F&A Hearings Sub-Committee may not be used during a 6 month period, if no Hearings held.

27. Application to Committees and Other Member Bodies

27.4 - Authorise Monitoring Officer to amend wording to reflect any revision to Shareholder arrangements approved under Agenda Items 14 & 15 on this Council Agenda.

8. ANTI-FRAUD & CORRUPTION STRATEGY

Revised version of Anti-Fraud and Corruption Strategy recommended for approval by Finance & Assets Committee under Agenda Item 10 on this Council Agenda.

PART 5: CODES AND PROTOCOLS

'The Role of Elected Members in relation to Licensing Committee Hearings' Pages 5 (34) – 5 (45): amend to make a single generic Hearings Procedure for all Licensing Sub-Committees Hearings (not just for Licensing Act 2003). **(Attached as Annexe D)**

KEY DOCUMENTS

Petitions Scheme

Have the ability in the Council's Petitions Scheme for the Council to accept electronic Petitions, either via an E-petitions facility on the Council's website and/or an external website used for an E-Petition if it requires signatories to enter their postcode and preferably house number and address (then would be able to verify that signatories resident within the District - which is a requirement for a valid petition). **(Existing Petitions Scheme with wording shown as 'track changes' to allow submission of E-Petitions attached as Annexe E)**

Suggested Changes to the ECDC Constitution – Planning Policy Related Decisions

Context and summary of recommendation

This note is provided in order to recommend changes to the constitution so that ‘planning policy’ related decisions can be more effectively and efficiently taken.

At present, most decisions requiring a formal Member decision are taken at Full Council. The recommendations in this note are to delegate some of those decisions to Finance and Assets Committee.

Present situation

Part 3A (Council), section 3.2 states, that only Council can “approve or adopt key policies and procedures as defined below”, and within such a list are:

- Development Plan Documents (Local Plan);
- Local Development Scheme (LDS);
- Statement of Community Involvement (SCI); and
- Supplementary Planning Documents (SPDs);

Para 3.2 further includes a ‘catch all’ bullet point which states:

- “Other key policy documents which the law requires are adopted by full Council...”

At 3.4 (Other Matters), Part 3A goes on to state that Council functions also include:

“(vii) Make a neighbourhood plan or neighbourhood development order (‘make’ meaning adopt to all intents and purposes).”

Part 3B (Policy Committees), at section II para 3.2, the ToR for Finance and Assets Committee states that it has responsibility:

“To approve and monitor performance against the Service Delivery Plans for...Strategic Planning”.

In addition, its ToR has a number of other items of relevance to this note, including:

“3.10 In respect of Neighbourhood Planning, to receive a report and determine:

- A Neighbourhood Area, where the Neighbourhood Area proposed does not match the parish boundary and objections to the proposed boundary are received
- if (other than minor non-consequential matters) the examiners recommendations are not accepted in full or if the Council is proposing further modifications (in addition to any modifications recommended by the examiner)”

“3.13 To approve key policies and procedures as defined within the specific Service Delivery Plans (as defined in paragraph 3.2) and not reserved for full Council, including...Planning Policy”

Section 5 (Delegation to Officers) then sets out a wide range of delegations to Officers in relation to various stages of Neighbourhood Planning responsibilities.

Part 3C (Regulatory Committees), at 3.7, states that the ToR for Planning Committee includes:

“To undertake the functions of the Council under Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), section 14A (‘Register of Land’), including preparation of a Brownfield Land Register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.”

Para 5.9 then delegates the publication of such a brownfield register to officers, as follows:

“Town and Country Planning (Brownfield Land Register) Regulations 2017 Publication of sites in Part 1 of a Brownfield Land Register - Director Operations or Planning Manager”

Proposed Changes

Broadly speaking, only limited changes are deemed appropriate and necessary. Indeed, legislation prevents Full Council from delegating responsibility for all planning policy related matters.

Proposed Changes to 3A (Full Council)

In terms of what Full Council MUST determine, for the purpose of this note, this is limited to Development Plan Documents (Local Plan). This therefore needs retaining in para 3.2. The legislation also probably extends to the ‘making’ of Neighbourhood Plans, by virtue of a Neighbourhood Plan being legally part of the ‘development plan’ for an area, though note that a Neighbourhood Plan is not legally a Development Plan Document, so perhaps a grey area. **Nevertheless, it is recommended that 3A, para 3.4, in relation to the making of Neighbourhood Plans is retained as at present.**

Turning to the other three relevant items listed in 3A, para 3.2 (namely: LDS, SCI and SPDs), none of these must go to Full Council - they can be delegated elsewhere.

The LDS is the legal trigger to commence a Local Plan review; a review may not commence until an LDS states so. In many Cabinet based councils, this decision is taken at a Cabinet meeting. **However, in ECDC (i.e. no Cabinet system) it is recommended that this function continues to be reserved to Full Council due to the considerable status and resource implications of confirming an LDS (i.e. it confirms a review of the Local Plan will proceed).**

The SCI is a statement setting out how the Council will consult on planning matters. It is legally required to be kept up to date, but is somewhat technical. **It is recommended that the SCI be delegated to Finance and Assets Committee, and removed from 3A, para 3.2.**

SPDs are a mix of guidance and supporting policy, which legally must conform with policy in a Development Plan Document (Local Plan). An SPD cannot allocate land for development, for example. It is rare nationally for such documents, which are often technical in nature, to be reserved for Full Council determination. **It is therefore recommended they be delegated to Finance and Assets Committee, and removed from 3A, para 3.2.**

Proposed Changes to 3B (Policy Committees)

It is recommended that Finance and Assets Committee duties are enhanced, in line with the above recommendations.

Proposed Changes to 3C (Regulatory Committees)

No changes are considered necessary

Optional Recommendation

Whilst a Development Plan Document (Local Plan) must, by legislation, be reserved to Full Council, this only is reserved to the adoption of the document. The option exists, therefore, for earlier draft stages (e.g. approval of a draft Local Plan for the purpose of consultation) to be delegated elsewhere (e.g. to Finance and Assets Committee).

If this option is to be explored, **it is recommended that such delegation is limited only to any 'Regulation 18' consultation stages (i.e. the early rounds of consultation), whereas the 'Regulation 19' consultation stage is retained by Full Council.** Regulation 19 stage is the final consultation draft, but importantly is (by law) the same version which the Council then goes on to submit for its independent examination.

By way of example, Cambridgeshire County Council delegates all stages, including regulation 19 stage, to a committee for decision, and only reserves adoption to Full Council. Peterborough City Council (and many other cabinet based councils) tend to delegate Regulation 18 stages to Cabinet, but Regulation 19 and adoption to Full Council.

PART 4

RULES OF PROCEDURE

1. COUNCIL PROCEDURE RULES

1. Meetings of the Council
2. Election of Chairman and Vice-Chairman of the Council
3. Quorum
4. Order of Business
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Questions by the public
9. Voting
10. Motions with notice
11. Motions without notice
12. Motions and amendments
13. Questions by Members
14. Minutes
15. One Member at a time
16. Speeches
17. Points of Order
18. Respect for Chair
19. Attendance and conduct at meetings
20. Rescission of Preceding Resolution
21. Suspension and amendment of Council Procedure Rules
22. Record of attendance
23. Exclusion of public
24. Appointment of Committees etc, Substitute and Co-opted Members of Committees and Sub-Committees
25. Referral-Up
26. Council Call-In
27. Application to Committees and Other Member Bodies
28. Member Body Motions without Notice
29. Location of Member Body Meetings

1. MEETINGS OF THE COUNCIL

- 1.1 The Annual Meeting of the Council is held at The Council Chamber, The Grange, Ely on a date and time determined by the Council and published on the Council's website and on agenda published no less than five working days prior to each meeting. In a year of ordinary election of Councillors, the Annual Meeting is held either on the eighth day after the retirement of Councillors or such other day (determined by the Council) within twenty-one days immediately following that day.

The Council shall at the Annual Meeting appoint such Committees, Sub-Committees, Working Parties or other bodies, as they are required to appoint by or under any statute or under this Constitution and may at any time appoint such other Committees, Sub-Committees, Working Parties or other bodies as are necessary to carry out the work of the Council.

Subject to any statutory limitation, such appointments shall not be for any longer period than 2 years. (This does not prevent a Member from being re-appointed at the end of that term).

Council may at any time dissolve a Committee, Sub-Committee, Working Party or other body or alter its membership.

Ordinary meetings of the Council generally are held at 6.00pm on a Tuesday or Thursday (unless the Council agrees an alternative day or time for any meeting or meetings). Council meetings (other than the Annual Meeting) may be held at The Grange or at suitable venues elsewhere in the District.

Extraordinary meetings of the Council – The Chief Executive may call or those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- 1.1.1 the Council by resolution;
- 1.1.2 the Chairman of the Council;
- 1.1.3 the Monitoring Officer; and
- 1.1.4 any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within eight working days of the presentation of the requisition.

2. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

The Council at the Annual Meeting elects a Chairman and Vice-Chairman. Nominations for these offices are to be duly proposed and seconded and delivered to the Chief Executive not less than fourteen days before the date of the Annual Meeting (except in the year of District Elections, when they must be delivered not less than five days before the meeting).

3. QUORUM

No business can be transacted at a meeting of full Council unless at least 10 Members of the Council are present. If there are less than 10 Members present (not including those who have declared an interest and left the Chamber for any item) the Chairman will adjourn the meeting. No business can be transacted at a meeting of the Council's committees and other Member bodies unless there are present sufficient Members to

form a quorum. The quorum figure for each Committee and other Member body is set out in Section 1 of Part 3 of this Constitution.

Any business not transacted up to the time of that adjournment stands over to a date and time fixed by the Chairman at the time the meeting is adjourned, or if no such date or time is fixed, to the next ordinary meeting of the Council.

4. ORDER OF BUSINESS

4.1 The order of business at meetings of the Council is:

4.1.1 ANNUAL COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered, whichever is the sooner).

- (i) Election of Chairman
- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) Election of Vice Chairman
- (v) Chairman's announcements
- (vi) Receiving petitions (in accordance with the Petitions Scheme)
- (vii) Motions
- (viii) Questions under Council Procedure Rules
- (ix) Presentations by invited guests
- (x) Names of the Leaders and Deputy Leaders of declared political groups (and where applicable, Leader and Deputy Leader of Council)
- (xi) Any change to the political proportionality of the Council
- (xii) Appointment of Policy Committees, Regulatory Committees (and any Sub-Committees of these bodies) via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiii) Appointment of other Member bodies or Working Parties if necessary via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xiv) Appointments to Outside Bodies if necessary, via a written report with a resolution (or an oral report where there is no time for a written report in a year of election)
- (xv) Recommendations from Committees and other Member bodies
- (xvi) Any items, which have not been through Committees and other Member bodies etc but which require a resolution of Full Council
- (xvii) Confidential items.

4.1.2 ORDINARY MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner)

- (i) Election of Chairman (if the Chairman and Vice-Chairman are not present)
- (ii) Anything required to be done prior to the formal business commencing
- (iii) Minutes of the last Council meeting
- (iv) Chairman's announcements

- (v) Receiving Petitions (in accordance with the Petitions Scheme)
- (vi) Motions
- (vii) Questions under Council Procedure Rules
- (viii) Presentations by invited guests/Committee Chairpersons
- (ix) Recommendations from Committees and other Member bodies
- (x) Any items which have not been through Committees and other Member bodies, etc but which require a resolution from full Council
- (xi) Any report(s) from Council appointees on the activities of the Board, Committees and other Member Bodies of the Cambridgeshire & Peterborough Combined Authority
- (xii) Any changes to the political proportionality of the Council, its effect on Committees, etc and to Leaders and Deputy Leaders of declared political groups.
- (xiii) Confidential items

4.1.3 EXTRAORDINARY (OR SPECIAL) MEETINGS OF COUNCIL - ORDER OF BUSINESS

Public question time (15 minutes or until the last question is answered whichever is the sooner).

- (i) Election of Chairman (if the Chairman and Vice-Chairman are not present)
- (ii) Chairman's announcements
- (iii) Consideration of the matter in respect of which the EGM has been called (where exempt/confidential information may be discussed, it may be necessary to exclude the press and public for all or part of the item)

Minutes of the last Council meeting will not ordinarily be received at any Extraordinary Council meeting.

- 4.2 The election of a Chairman (as necessary) and anything required to be done prior to the formal business of the meeting commencing must be done before any other items. The order of the remaining business may be varied:
- 4.2.1 by the Chairman at his/her discretion;
 - 4.2.2 by a resolution passed on a motion (which need not be in writing) duly moved and seconded (which is to be moved and put without discussion).

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub- Committees.

8. QUESTIONS FROM THE PUBLIC

8.1 To give the public a more direct role in the Council and Committee meetings, the Council has a public question time before the formal start of business.

8.1.1 there is up to 15 minutes public question time immediately prior to each Council or Committee meeting, which does not form part of the formal business of Council (in that resolutions and decisions cannot be immediately taken from it).

8.1.2 any member of the public (excluding a Member of the Council) can ask one question or make one statement on any topic. As long as there is no suspicion that the question/statement is improper (for example, it must not be offensive, slanderous or disclose information that the Council should keep confidential), the Chairman will invite the questioner to read out their question/statement. No other statements should be made by the questioner unless at the Chairman's invitation. A period of 5 minutes will be allowed for each question/statement and response to be given, unless the Chairman agrees to allow an extension of this.

8.1.3 Questions/statements are to be given in writing and placed in a box provided for the purpose prior to commencement of the public question time. Questions are drawn out one at a time. Any questions not answered at the end of the 15 minutes will receive a written reply.

8.1.4 the question is to the Chairman of the Council or the Chairman of the relevant Committee. They may give a verbal answer or undertake to provide a written answer to the question as soon as possible (such reply to be circulated to all Members) or they may decline to answer (for example, on the grounds that the information requested is confidential).

9. VOTING

9.1 General

9.1.1 Voting at a meeting of the Council its Committees and other Member bodies is by show of hands, unless a motion is passed to the contrary or unless otherwise stated in this Constitution.

9.1.2 At the Budget meeting(s) each year, voting on any motion or amendment relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the motion or amendment or abstained from voting.¹

9.1.3 With the exception of Rule 9.1.2, when there is a request for a recorded vote (prior to the vote being taken) the voting on a motion or amendment is recorded

¹ In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

to show whether each member present voted for or against the motion or amendment or abstained from voting.

9.1.4 In the case of an equality of votes, the Chairman shall have a second or casting vote providing the Chairman has already voted.

9.1.5 Any Member present at the meeting may, immediately after a vote is taken, request that his/her vote (for or against) or abstention be recorded in the minutes of the meeting.

9.2 On Appointments

9.2.1 If contested, the appointment of the Chairman and Vice-Chairman of the Council will be by secret ballot.

9.2.2 Appointment of Members to:

- Chairmanships and Vice-Chairmanships of Committees
- Sub-Committees, Working Parties
- Outside Bodies

shall be by a show of hands, or by secret ballot on the passing of a motion to allow such a ballot.

10. MOTIONS WITH NOTICE

10.1 A Council Member may, upon prior written notice, put a motion in writing to Council under this Council Procedure Rule. Notice of every motion (other than a motion which under Council Procedure Rule 11 may be moved without notice) must be given in writing, signed by the member or members of the Council giving notice, and delivered to the Chief Executive eight clear working days (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered. On receipt, it will be dated, numbered in order in which it is received, and entered in a book open to the inspection of every Member of the Council.

10.2 The summons for every meeting of the Council will include in full all motions of which notice has been duly given in the order in which they have been received (unless the member giving such a notice has indicated in writing, when giving it, that he proposed to move it at some later meeting, or has subsequently withdrawn it in writing).

10.3 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it will, unless deferred by the consent of the Council, be treated as withdrawn and may not be moved without fresh notice being given.

10.4 If the subject matter of any motion comes within the terms of reference of any Committee, Sub-Committee, etc it will, upon being moved and seconded, stand referred without discussion to such Committee, Sub-Committee, etc or to such other Committee, Sub-Committee, etc as the Council decide, unless the Chairman shall decide that it is more convenient and efficient to allow the motion to be dealt with at that Council meeting.

10.5 Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.

10.6 Amendments to Motions with notice should be provided in writing and delivered to the Chief Executive not less than 24 hours prior to the date of the meeting at which the Motion will be considered.

11. MOTIONS WITHOUT NOTICE

The following motions and amendments may be moved without notice at a meeting of the Council:

- 11.1 Appointment of a Chairman of that meeting.
- 11.2 Motions relating to the accuracy of the minutes of the previous meeting.
- 11.3 That an item of business listed in the summons be brought forward.
- 11.4 Reference back of a recommendation to a Committee, Sub-Committee, etc.
- 11.5 Appointment of Members to a Committee, Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.
- 11.6 Receipt and adoption of reports and recommendations of committees, sub-committees etc.
- 11.7 That leave be given to withdraw a motion.
- 11.8 Extending the time limit for speeches.
- 11.9 Amendments to motions.
- 11.10 That the Council proceed to the next business.
- 11.11 That the question should now be put.
- 11.12 That the debate should now be adjourned.
- 11.13 That the Council should now adjourn.
- 11.14 Suspending the Constitution or any part of it (in accordance with these Council Procedure Rules).
- 11.15 Motion under section 100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).
- 11.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.
- 11.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.
- 11.18 Voting on appointments in accordance with these Council Procedure Rules.
- 11.19 Recorded votes in accordance with these Council Procedure Rules.

12. MOTIONS AND AMENDMENTS

12.1 Procedure

A motion or amendment will not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with these Council Procedure Rules) it will, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

12.2 Secunder's Speech

A Member when seconding a motion or amendment may, if he/she at that time declares his/her intention to do so, reserve his/her speech until a later period of the debate.

12.3 Amendments

An amendment must be relevant to the motion and should either:

12.3.1 refer a subject of debate to a committee, etc for consideration or re-consideration;

12.3.2 leave out words;

12.3.3 leave out words and insert or add others;

12.3.4 insert or add words;

An amendment which has the effect of negating the motion before the Council will not be accepted as an amendment.

12.4 One Amendment at a Time

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. A Member may not move more than one amendment relating to the same matter.

However, two or more amendments may be discussed (but not voted on) together if in the Chairman's opinion this would facilitate the proper conduct of the Council's business.

12.5 Further Amendments

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried the motion as amended takes the place of the original motion and shall become the motion upon which any further amendment may be moved.

12.6 Alteration of Motion

A Member may with the consent of the Council (without debate):

12.6.1 alter a motion of which he/she has given notice, or

12.6.2 with the further consent of his Secunder alter a motion which he/she has moved, if (in either case) the alteration is one which could be made as an amendment thereto.

12.7 Withdrawal

A motion or amendment may be withdrawn by the mover with the consent of his/her Secunder and of the Council (without debate), and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused by the Chairman.

12.8 Closure Motions

A Member may move without comment at the conclusion of a speech of another Member, "That the Council/Committee proceed to the next business", "That the question should now be put", "That the debate should now be adjourned", or "That the Council/Committee should now adjourn", on the seconding of which the Chairman shall proceed as follows:

12.8.1 on a motion to proceed to next business: unless in his opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business;

12.8.2 on a motion that the question should now be put: unless in his opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 12.9 of this Council Procedure Rule before putting his motion to the vote;

12.8.3 on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

12.9 Right to Reply

The mover of a motion (but not an amendment) has a right to reply at the close of the debate on the motion, immediately before it is put to the vote, but such debate must be relevant to the motion. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment, but may not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

12.10 Motions which may be moved during Debate.

When a motion is under debate no other motion shall be moved except the following:

- 12.10.1 to amend the motion;
- 12.10.2 to adjourn the meeting;
- 12.10.3 to adjourn the debate;
- 12.10.4 to proceed to the next business;
- 12.10.5 that the question should now be put;
- 12.10.6 that a Member should not be further heard;
- 12.10.7 by the Chairman under these Council's Procedure Rules that a Member should leave the meeting;
- 12.10.8 a motion under Section 100(A) of the Local Government Act 1972 (as amended) to exclude the public;
- 12.10.9 that leave be given to withdraw a motion or amendment.

13. QUESTIONS BY MEMBERS

13.1 A Member of the Council may ask the Chairman of a committee any question upon any item in the minutes of a committee if those minutes are before the Council either for receipt or adoption.

13.2 A Member of the Council may also put a question before the Council either:

13.2.1 by giving the question in writing to the Chief Executive not less than 24 hours before the Council meeting or

13.2.2 with the prior permission of the Chairman at the meeting itself. (In this case Members should ensure that copies of the question are available for distribution at the meeting).

Provided always that such questions may be rejected by the Chief Executive or Chairman if they are matters for which the authority has no responsibility or which does not affect the District; is substantially the same as a question which has been put to Council in the past 12 months; or requires the disclosure of confidential or exempt information.

13.3 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.

13.4 An answer to a question asked as aforesaid may take the form of:

13.4.1 a direct or oral answer; or

13.4.2 where the desired information is contained in a publication or document issued by the Council, a reference to that publication; or

13.4.3 where the reply to the question cannot conveniently be given orally, a written answer circulated to all Members of the Council within seven days after the date of the meeting.

14. MINUTES

No discussion will take place upon the minutes of Council, its Committees and other Member bodies, except upon their accuracy, and any questions of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman will sign the minutes.

Any Member at a meeting of the Council or of a Committee, may request that a minute be taken of what either they or any other Member has said in that meeting. The minute will then be attributed to the Member making the comment as will all other comments made by Members, which are referred to in the minutes.

The text of all amendments, which are proposed and seconded, will be minuted in full.

15. ONE MEMBER AT A TIME

A Member when speaking should stand (unless the Chairman agrees they may remain seated) and address the Chairman. If two or more Members rise, the Chairman shall call on one to speak; the other or others must then sit. While a Member is speaking the other Members must remain seated, unless rising to a point of order or in personal explanation.

16. SPEECHES

16.1 Contents and Duration of Speeches

A speech should relate to the question under discussion or to a point of order or of clarification. No speech may be longer than five minutes, except by consent of the Chairman.

16.2 When a Member may Speak Again

A Member who has spoken on any motion may not speak again whilst it is the subject of debate, except:

16.2.1 to speak once on an amendment moved by another Member;

16.2.2 if the motion has been amended since he/she last spoke, to move a further amendment;

16.2.3 if his/her first speech was on an amendment moved by another Member (whether or not carried), to speak on the main issue;

16.2.4 in exercise of a right of reply given by these Council Procedure Rules;

16.2.5 on a point of order;

16.2.6 by way of personal explanation;

16.2.7 Otherwise by consent of the Chairman (subject to any proposal to move to next business which would take precedence).

17. POINTS OF ORDER

- 17.1 A Member may rise on a point of order or of clarification, and is then entitled to be heard at that point. A point of order may relate only to an alleged breach of these Council Procedure Rules or statutory provisions and the Members must specify both the Council Procedure Rule or statutory provision and the way in which he/she considers it has been broken. A point of clarification must be confined to some material part of a previous speech by him/her which may appear to have been misunderstood in the present debate.
- 17.2 The ruling of the Chairman on a point of order or point of clarification is final.

18. RESPECT FOR CHAIR

Whenever the Chairman requires it during a debate any Member then standing and/or speaking must resume his seat and ~~all debate must cease~~ speaking.

19. ATTENDANCE AND CONDUCT AT MEETINGS

- 19.1 A Member of the Council is permitted to attend a meeting of any Committee, Panel or Working Party of which he/she is not a Member (subject to the rules relating to declarations of interest). A Member attending a meeting of which he/she is not a standing Member shall speak once only on any item but may speak again at the discretion of the Chairman (subject to any proposal to move to next business which would take precedence).
- 19.2 A Member of the Council who has moved a motion which has been referred to any Committee or other Member body, shall have notice of the meeting of the Committee or other Member body at which it is proposed to consider the motion. He/she shall have the right to attend that meeting and, if he attends, he shall have an opportunity of speaking to the motion and exercising a right of reply.
- 19.3 Members' Conduct
- 19.3.1 If at a Council meeting the Chairman informs the Council of his/her opinion that a Member is misconducting himself/herself e.g.

- by persistently disregarding the ruling of the Chair;
- by behaving irregularly, improperly or offensively;
- by wilfully obstructing the business of the Council;
- because of the irrelevance or repetitious content or nature of
- his/her speeches;

the Chairman or any other Member may move "That the Member named be not further heard" and that motion if seconded shall be put and determined without discussion.

- 19.3.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chairman shall:

EITHER move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

- 19.3.3 In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his discretion shall consider expedient.

[Note: A procedure for impolite/unruly/disruptive behaviour by Members at a meeting has been produced for Council/Committee Chairman in accordance with this Procedure Rule]

- 19.3.4 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Disclosable Pecuniary Interest as described at paragraph 7 (and Appendix A) of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place.

- 19.3.5 If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Prejudicial Interest as described at paragraph 13 of the Members Code of Conduct, then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;
- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place **UNLESS** the Member is exercising a Speaking Right as described in paragraph 1.5 of the Member Code of Conduct. Such a Speaking Right shall be exercised in accordance with paragraph 13 of the Member Code of Conduct and once exercised the Member must retire from the Meeting until the discussion and vote on that item of business has taken place.

- 19.3.6 In the event that the Member with the Interest described in paragraphs 7 and 13 of the Member Code of Conduct, does not abide by Rules 19.3.4 and 19.3.5, the Chairman shall follow the procedure under Rule 19.3.2.

19.4 Disturbance by Members of the Public

If a member of the public interrupts the proceedings at any Council meeting the Chairman shall warn him. If he/she continues the interruption the Chairman shall order his/her removal from the meeting. In case of general disturbance in any part of the room where a meeting open to the public is held the Chairman shall order that part to be cleared.

[Note: A procedure following disruption to a meeting has been produced for Council/Committee Chairmen in accordance with this procedure rule].

19.5 Photography, Audio/Visual recording of Meetings and Blogging/Tweeting

Photography, filming, audio recording of meetings and use of social media such as blogging/tweeting during a meeting will be permitted provided that it is not disruptive and does not detract from the proper conduct of the meeting.

20. RESCISSION OF PRECEDING RESOLUTION

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless ~~the~~ notice is given in writing under these Council Procedure Rules, signed by at least five Members of the Council and delivered to the Chief Executive eight clear working days (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered. When any such motion or amendment has been dealt with by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

However, this Council Procedure Rule does not apply to motions moved in pursuance of consideration of a recommendation of a committee, or as a result of legislative change.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 9.1.4 and this Rule 21.1 may be suspended by motion with notice or without notice if requested by at least two thirds of Councillors present and voting. Suspension can only be for the duration of the relevant item at the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, if an item to make such an amendment has not appeared on the summons for the meeting.

22. RECORD OF ATTENDANCE

The Chief Executive as proper officer shall record the attendance of all Members present during the whole or part of every meeting of the Council or its committees, etc but the Chairman of any such meeting may, exceptionally, require all such Members to sign their names on attendance sheets before the conclusion of any meeting to assist with the record of attendance.

The timing of any Members late arrival or early departure from meetings will be recorded.

23. EXCLUSION OF THE PRESS AND PUBLIC

Members of the public and/or press may only be excluded either in accordance with the Access to Information rules in this constitution or Council Procedure Rule 19.4 (Disturbance by Members of the Public).

24. APPOINTMENT OF COMMITTEES, ETC OF SUBSTITUTE AND CO-OPTED MEMBERS OF COMMITTEES AND SUB-COMMITTEES

24.1 Appointment of Committees, Sub-Committee, Panels

24.1.1 Prior to Annual Council, the leader of each political group shall notify the Chief Executive of the names of the Members of each group to be appointed to each Committee, Sub-Committee and Panel in accordance with the number of seats available to them on each such body.

24.1.2 Election of Chairman and Vice-Chairman of Committees, Sub-Committees, Panels and Working Parties

Every Committee, Sub-Committee, Panel and Working Party shall, at its first meeting after the Annual Meeting of the Council before proceeding to any other business elect a Chairman for the ensuing Municipal year, and may at any time appoint a Vice-Chairman. In the absence from a meeting of the Chairman (and Vice-Chairman if elected) a Chairman for that meeting may be appointed.

24.1.3 Special Meetings

The Chairman of the Committee, Sub-Committee, Panel or Working Party or the Chairman of the Council may call a special meeting of the Committee, Sub-Committee, Panel or Working Party at any time. A special meeting shall also be called on the requisition of half of the whole number of the Committee, Sub-Committee, Panel or Working Party, delivered in writing to the Chief Executive, but in no case shall fewer than four Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

24.1.4 Working Parties

Every Committee, Sub-Committee and Panel appointed by the Council may appoint Working Parties for purposes to be specified by the Committee or Panel.

24.2 Substitutions

24.2.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate Members in the same manner as substitute Members. The onus for nominating the respective substitute Member for each Member body rests with the appropriate political group. Nominations are to be made by the leader of each political group.

24.2.2 Number

For each relevant Committee or Sub-Committee, the Council (or Committee in the case of a Sub-Committee) will appoint up to three substitutes in respect of each group, either or both of whom may substitute for any Committee Member(s) in their group. All exceptions to this are specified in the Committee or Sub-Committee Terms of Reference.

24.2.3 Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Members of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

24.2.4 Substitution

Substitute Members may attend meetings in that capacity only:

- 24.2.4.1 to take the place of an absent ordinary Member for whom they are the designated substitute;
- 24.2.4.2 where the ordinary Member will be absent for the whole of the meeting;
- 24.2.4.3 (in the case of Planning and Licensing Committee), where the substitute Member has attended training (and not until or unless such induction training has been undertaken, and thereafter any annual training arranged for Members);
- 24.2.4.4 (in the case of Planning and Licensing Committee), where the usual Member of the Committee, or in his/her absence, the Group Leaders (or his/her Deputy) have given a minimum of one clear days notice to the relevant Democratic Services Officer that they are unable to attend, and the name of substitute Member attending; and

Provided the above conditions have been satisfied, the substitute Member shall retain the right to vote for the duration of the meeting and may not be replaced by the Member for whom he or she is substituting.

However, if the Member who is to be replaced ("the original Member") is present at the start of the meeting then the substitution shall not have effect for that meeting - so that the substitute may not speak and/or vote in that capacity at that meeting and may only otherwise speak with the prior consent of the Chairman. This will not apply where Planning Committee substitute Members have been nominated to attend.

Where the original Member is not present at the start of the meeting at which the substitute is present, but arrives later, the original Member may not speak and/or vote at that meeting as a member of that Member Body and may only otherwise speak with the prior consent of the Chairman.

24.3 **Co-option of Non-Councillors onto the Council's Working Parties & Resources & Finance Hearings Sub-Committee (and Panel)**

- 24.3.1 No more than two co-optees may be appointed to any individual Working Party.
- 24.3.2 The duration of the co-optees appointment should be a matter for the Working Party to make recommendations to Council in each instance, with the proviso that co-options would end at the end of each municipal year (requiring the co-

optees to be formally re-appointed or new ones to be appointed at the first meeting of the Working Party) and that the Working Party should have the power to recommend to Council the termination of any co-option at any time.

24.3.3 Co-optees on Working Parties have voting rights.

24.3.4 Co-optees do not count for the purposes of the quorum.

24.3.5 It is a specific term of the appointment of co-optees that they do not make statements to the press on the business of or purporting to be on behalf of the Working Party.

24.3.7 There are no rights of substitution for co-opted Members.

~~24.3.8 If a Co-optee fails through a period of six consecutive months from the date of the last attendance to attend any meeting of the Working Party or Sub-Committee, they shall cease to be a co-optee of the authority, unless the failure is due to some reasons approved by the authority² before the expiry of that six month period. Any allowance payable under the Members' Allowance Scheme shall also cease as at that date, such allowance to be apportioned to that date.~~

25. REFERRAL-UP

25.1 If a Policy Committee/ Sub-Committee³ are unwilling or unable to make a decision⁴ on any matter within its Terms of Reference, the Committee/ Sub-Committee may resolve to refer the matter to Full Council for final determination.

25.2 The Council referral-up rule above shall not apply where the decision being taken by the Policy Committee/ Sub-Committee is urgent. Items leading to decisions likely to be categorised as urgent should be identified as such on the published agenda or, where not so practicable, at the meeting itself and on the Decision Notice. Any Member wishing to challenge that categorisation must do so prior to the consideration of the item by the Committee/ Sub-Committee. A decision will be urgent if any delay would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to referral-up. The Leader of the Council (if any) and Chairman of the Committee/ Sub-Committee must agree to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

26. COUNCIL CALL-IN

26.1 Member Call-in should only be used in exceptional circumstances. The procedure for call-in will be as follows:

26.1 When a decision is made by a Policy Committee/ Sub-Committee, the decision shall be published, including where possible by electronic means, and shall be

² ~~Namely that no meetings have been convened, or that the Co-optee has not been invited to attend that meeting.~~

³ This does not include regulatory matters, such as Licensing, Planning or Councillor conduct, unless in respect of Councillor conduct, a request is made to Full Council to censure a Councillor.

⁴ This does not include urgent decisions, which should be categorised on the Committee agenda and/or Decision Notice as such. A decision will be urgent if any delay is likely to cause serious prejudice to the Council or the public's interests. See Rule 26.6.

available at the main offices of the Council as soon as practicable after being made and within 3 working days of the meeting. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- 26.2 That decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the 7th working day after the publication, **unless** any 3 Members call it in to Full Council within 5 working days of the meeting, excluding the day of the decision. Recommendations of the Policy Committee to other bodies (or to Council), or urgent decisions (see Rule 26.6) cannot be called-in. Receipt of the call-in suspends implementation of the decision, until confirmation of rejection of the call in/ or where accepted, final determination by Full Council (where appropriate).
- 26.3 A call-in of a decision should be made in writing to the Chief Executive on the specified call-in form. Where a decision is called-in during that period, the Chief Executive shall notify the Chairman of the relevant Committee or Sub-Committee that a call-in has been received (and any relevant officers). Copies of the call-in will be given to the Leaders of the Council's political groups as soon as possible.
- 26.4 Formal written acceptance or refusal of the call-in will be given to the Members calling in the decision within 5 working days of its receipt by the Chief Executive or in his absence ~~Principal~~ Democratic Services ~~Officer~~ Manager. Any refusal must include the reasons for that refusal.
- 26.5 If a Call-in is accepted, it will then be considered by the next programmed meeting of Full Council or by a special meeting convened in accordance with this Constitution. No action on the decision will be taken until Full Council has considered the decision and shall make a final decision (and in doing so may resolve to uphold, amend or reject the previous decision). This decision shall then take effect from the date when made by Full Council.
- 26.6 **Council call-In and urgency:** The Council call-in procedure rules above shall not apply where the decision being taken by the Policy Committee/ Sub-Committee is urgent. The process for challenging this categorisation and designation of a decision as urgent, as set out under Rule 25.2 above shall apply.

27. APPLICATION TO COMMITTEES AND OTHER MEMBER BODIES

- 27.1 All the Council Procedure Rules apply to meetings of full Council.
- 27.2 All the Council Procedure Rules with the exception of Rules 1, 2, 4, 10, 11, 13, 15, and 21.2 apply to meetings of the Council's Committees and other Member Bodies.
- 27.3 Committees may appoint and dissolve their Sub Committees, Working Parties and determine their Sub Committees terms of reference and appointment.
- 27.4 The Chief Executive (Lead Officer in the case of the Shareholder Committee) may call or those listed below may request the Chief Executive (Lead Officer in the case of the Shareholder Committee) to call Committee, Sub-Committee or Working Party meetings in addition to previously scheduled meetings, and in the case of the

Shareholder Committee request the attendance of the Chairman and Managing Director of the LATC:

- 27.4.1 the member body itself by resolution;
- 27.4.2 the Chairman of the member body;
- 27.4.3 the Monitoring Officer or Lead Officer(s) for the member body; and
- 27.4.4 any three Members of Council, at least two of whom must be on the member body, if they have signed a requisition presented to the Chairman of the member body who has refused to call a meeting or has failed to call a meeting within eight working days of presentation of the requisition.

28. MEMBER BODY MOTIONS WITHOUT NOTICE

Amongst others the following motions and amendments may be moved without notice at a meeting of a member body:

- 28.1 Appointment of a chairman of that meeting.
- 28.2 Motions relating to the accuracy of the minutes of the previous meeting.
- 28.3 That an item of business listed in the summary be brought forward.
- 28.4 Reference back of a recommendation to a sub-committee or working party, etc.
- 28.5 Appointment of members to a Sub-Committee or Working Party, occasioned by an item mentioned in the summons to the meeting.
- 28.6 Receipt and adoption of reports and recommendations of Sub-Committees etc.
- 28.7 That leave be given to withdraw a motion.
- 28.8 Extending the time limit of speeches.
- 28.9 Amendment to motions.
- 28.10 That the member body proceeds to the next business.
- 28.11 That the question be now put.
- 28.12 That the debate should now be adjourned.
- 28.13 That the member body should now adjourn.
- 28.14 Suspending the constitution or any part of it (in accordance with the Council Procedure Rules).
- 28.15 Motion under S100A of the Local Government Act 1972 (as amended) to exclude the public (including the press).
- 28.16 That a Member named under these Council Procedure Rules should be not further heard or should leave the meeting.

28.17 Giving the consent of the Council where such consent is required by these Council Procedure Rules.

28.18 Voting on appointments in accordance with these Council Procedure Rules.

28.19 Recorded votes in accordance with these Council Procedure Rules.

29. LOCATION OF MEMBER BODY MEETINGS

29.1 These will generally be at the Council Offices at The Grange but in consultation with the Chairman of the relevant body, the lead officer for that body may arrange a particular meeting at an alternative venue if appropriate. The final decision on location will be taken when the agenda for that meeting is finalised.

(i) LICENSING COMMITTEE

1. CONSTITUTION

1.1 The Committee comprises 10 Members of the Council, who shall be appointed annually. Its quorum is 5.

2.0 OBJECTIVES

2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.

2.2 Through licensing policies to protect and promote good practice.

2.3 To balance the interests of applicants with the interests of residents and other interested parties.

3.0 TERMS OF REFERENCE

The Committee's terms of reference shall be:

3.1 To set policies and determine applications in relation to the functions of the Council with respect to:

(a) Powers and duties under the Licensing Act 2003 not reserved by law to full Council.

(b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council.

(c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets and sex establishments.

(d) The licensing of caravan sites and other moveable dwellings and the provision and management of local authority caravan sites.

(e) Hackney Carriage and their drivers, and private hire vehicles, their drivers and operators.

(f) Charity Street and House to House collections and Street Trading Consents

(g) Animal welfare licences.

(h) Scrap metal dealers licenses

(i) Any other statutory or adopted licensing scheme the administration of which is the responsibility of the Council.

4.0 Delegation to the Committee

4.1 The Committee has delegated authority to act on behalf of the Council in respect of all the functions specified in Part 3 above.

Note – Responsibility for the conducting of Hearings in relation to applications and enforcement under Part 3 has been delegated as follows:

Paragraphs (a) and (b) to the Licensing (Statutory) Sub-Committee;

Paragraphs (e) and (f) to the Licensing (Non-Statutory) Sub-Committee;

Paragraphs (g) and (h) to officers.

5.0 Delegation to Officers

5.1 The Environmental Services Manager or Director Operations or Legal Services Manager are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:

- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;'
- (b) the Service Delivery Champion is consulted prior any action taken under this delegated power
- (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- (d) action taken shall be as soon as practicable reported to the next Committee ; and
- (e) it excludes any decision which is by law expressly vested in the Council.

5.2 There shall be delegated to Environmental Services Manager or Director Operations or Legal Services Manager the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.

5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.

This delegation shall not be taken to include any matter reserved by law to the Full Council.

5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

1. GENERAL LICENSING DELEGATIONS

Legislation	Delegated Officer
Animal Health Act 1981	Environmental Services Manager or Director (Operations) or Legal Services Manager
Animal Welfare 2006	
Anti-Social Behaviour Act 2003	
Anti-Social Behaviour, Crime and Policing Act 2014	
Caravan Sites Act 1968 Parts I & II	
Caravan Sites and Control of Development Act 1960	
Criminal Justice and Police Act 2001 Section 19	
Dangerous Dogs Act 1991	
Dangerous Wild Animals Act 1976	

Gambling Act 2005		
Game Act 1831		
Guard Dogs Act 1975		
Housing Act 2004		
House to House Collections Act 1939 & House to House Collections Regulations 1947		
Hypnotism Act 1952		
Licensing Act 2003		
Local Government (Miscellaneous Provisions) Act 1982 – Parts II, III, and VIII, section 29, Schedule 3, and Schedule 4.		
Local Government (Miscellaneous Provisions) Act 1976 Part II		
Mobile Homes Act 2013		
Police, Factories, etc, (Miscellaneous Provisions) Act 1916		
Scrap Metal Dealers Act 2013		
Slaughterhouses Act 1974		
Sunbeds (Regulation) Act 2010		
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018		Environmental Services Manager or Director (Operations) or Legal Services Manager
Town Police Clauses Act 1847		
Transport Act 1980 and 1985		
Zoo Licensing Act 1981		

2. SPECIFIC OFFICER DELEGATIONS

The power to set fees and charges, and take enforcement action	Environmental Services Manager or Legal Services Manager
The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to grant, refuse, vary, transfer, suspend, revoke and withdraw licences permits, registrations and consents.	Environmental Services Manager or Director (Operations) or Legal Services Manager
The power to act in an emergency to obtain injunctions in any cases.	Legal Services Manager or Chief Executive
The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).	Legal Services Manager or Chief Executive
The power to act for the Council in proceedings brought in the Magistrates'	Legal Services Manager or Chief Executive

Court in respect of appeals against licensing decisions.	
Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review.	Legal Services Manager or Chief Executive

LICENSING (STATUTORY) SUB-COMMITTEE

1.0 Constitution

- 1.1 The Sub-Committee comprises of three Members (and up to two named substitute Members for each Political Group) appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which follow the rules of natural justice.

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

To consider applications and notifications made in accordance with the Licensing Act 2003 and the Gambling Act 2005 (the "Acts"), and decide, where relevant, to grant/refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

LICENSING (NON-STATUTORY) SUB-COMMITTEE

1.0 Constitution

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have received appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice.

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

To consider applications made in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, and any other legislation which provides the right of a Hearing other than the Licensing Act 2003 and the Gambling Act 2005, and decide, where relevant, to grant/ refuse/renew/suspend/revoke permissions sought under the Acts or held under the Acts.

HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES

1. Any hearing required under the legislation is to take the form of a discussion led by the Council. Hearings will be held in public unless the Members of the hearing consider that the public interest in excluding the public outweighs the public interest in the hearing or that part of it, taking place in public. For these purposes, a party to the hearing and any person assisting or representing a party may be treated as a member of the public.
2. The Chairman will introduce the Members and participants and explain the procedure to be followed.
3. The Chairman will advise all parties that they must make their submissions succinctly, and that all parties will be afforded the same time which should generally not exceed 10 minutes.
3. If any party has advised the Council they do not intend to attend or be represented at the hearing, the hearing may proceed in their absence.
4. If any party has not indicated they do not intend to attend or be represented at the hearing, the Sub-Committee may:
 - where it considers it necessary in the public interest, adjourn the hearing to a specified date(s); or
 - hold the hearing in that party's absence.
5. Where a hearing is held in the absence of a party, any representations or notice made by that party shall be considered at the hearing.
6. Where a hearing is adjourned to a specified date(s), all parties will be notified forthwith of the date(s), time and place to which the hearing has been adjourned.
7. The Licensing Officer will appear first and will give:
 - a summary of the application/case
 - a summary of the representations made
 - a summary of how the application/case and any relevant representations relate to the provision of the Licensing Policy Statement, any guidance from the Secretary of State and the relevant legislation.

[In the case of enforcement/compliance hearings:

- 7a. *If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 7b. *The licence holder or their representative will be asked to present their case.*

- 7c. *Members, and Legal Officer will be able to ask questions of the licence holder.*
- 7d. *Licence holder or their representative will be asked to provide their closing statement.]*

[In the case of Licensing Act and Gambling Act review hearings:

- 8a. *The review applicant or their representative will be asked to present their case.*
- 8b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 8c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 8d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 8e. *The licence holder or their representative will be asked to present their case.*
- 8f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 8g. *The licence holder or their representative will be asked to provide their closing statement.]*

[In the case of all other application hearings:

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
- 10. *Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.*
- 11. *Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.*

12. Information which is not relevant to:
 - the application/case, representation or notice (as applicable);
 - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;will be disregarded.
13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.
16. The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by Members before they retire, the decision will be communicated to all parties within 5 working days.
17. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
18. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
19. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
20. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
21. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:

- be refused permission to return; or
- be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.



EAST CAMBRIDGESHIRE DISTRICT COUNCIL PETITIONS SCHEME

Introduction

The purpose of the Scheme is to explain how petitions submitted to the Council will be handled.

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and it meets the criteria set out in this Scheme.

Paper petitions can be sent to:

The Petitions Officer
Democratic Services Manager, Democratic Services
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs CB7 4EE

Telephone: [01353 665555](tel:01353665555)

E-mail: democratic.services@eastcambs.gov.uk

Petition Guidelines

Petitions submitted to the Council must include:

- A clear and concise statement of the subject of the petition and what action you want the Council to take.
- The name and contact details of the Petition Organiser who should be a local person*. This must be a full postal address. This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.

- The name (preferably in block capitals), full address and signature of each local person.*

* A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.

E-Petitions

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E-Petitions should follow the same guidelines in this scheme as traditional petitions and should be created/signed by a local person who lives, works or studies in East Cambridgeshire.

There are numerous on-line sites that can be used to create an E-Petition. You will need to be aware of any terms and conditions of external websites regarding the use of your data. The Council cannot be held responsible for how external websites deal with that personal data. For further information, please see the Information Commissioner's website: <https://ico.org.uk>

Any external E-Petition site used will need to require signatories to provide their name and postcode as a minimum, and preferably a house number and address as well, to enable the Council to verify that they are a local person.

Once the E-Petition has closed for signatures, the Petition Organiser should notify the Council's Petitions Officer on the above contact details, who will advise on arrangements for the submission of the E-Petition to the Council.

Exclusions

Certain petitions are not covered by this Scheme and are dealt with under separate processes. These are:

- any matter relating to a Planning decision, including issues about a Development Plan document or the Community Infrastructure Levy.
- any matter relating to an alcohol, gambling, sex establishment, or taxi licensing decision.
- any matter relating to an individual or entity where there is a right of review or appeal under any other enactment (for example, where the petition raises matters of competence or misconduct).
- Statutory petitions (for example requesting a referendum on having an elected mayor).
- Petitions in response to consultation on a specific issue or proposal. These should be sent to the return address detailed in the relevant consultation document.

The Council will not consider:

- Petitions that do not follow the guidelines set out in the Petitions Scheme.
- Petitions disclosing matters that are personal, or confidential.
- Petitions which are in the opinion of the Petitions Officer libellous, offensive, vexatious, abusive or otherwise inappropriate, or which are in breach of the Council's statutory duties in respect of equality, diversity and inclusion.
- Petitions which are a duplicate of, or very similar to, a petition submitted in the past 12 months.

Where any of the above applies, the Council will contact the Petition Organiser to explain the reasons behind its decision.

Responding to Petitions

When a petition is received the Council will consider undertaking one, or more of the following actions:

- Taking action requested in the petition;
- Considering the petition at a Council or Committee meeting;
- Holding an inquiry into the matter;
- Undertaking research into the matter;
- Holding a public meeting or consultation exercise;
- Meeting with petitioners;
- Calling a referendum;
- Consulting local Partners/Stakeholders, e.g. local service providers/statutory partners; voluntary/community sector; commercial or other interests;
- Sending a written response to the Petitions Organiser setting out the Council's views about the request.

Once a petition has been received, the Petition Officer, in consultation with other relevant Officers, will determine the most appropriate manner of dealing with the petition in accordance with the Petitions Scheme, and notify the Petitions Organiser, normally within 10 working days of receipt of a Petition. Where a petition relates to specific Electoral Ward(s), the relevant Ward Councillor(s) will be notified of receipt of the petition.

Types of Petition

Ordinary Petitions

These are petitions not covered by the following specific definitions. In some cases it may be possible to resolve the petitioners' request directly, by proposing one or more of the actions listed above.

Where the Petitions Organiser asks to present their petition in person to the Council or a relevant Committee of the Council, the Petitions Officer will discuss options and detailed arrangements with the Petition Organiser.

If there is an item on the agenda for a meeting, which relates to the subject of the petition, the meeting will take into account the views expressed in the petition when reaching a decision on the issue.

The Petition Organiser, or their nominee, will be able to speak at the meeting for up to 3 minutes to present the petition, providing the following conditions are met:

- The petition must relate to the powers and duties of that body.
- It must be signed by at least 50 'local people' ** who have an interest in the subject of the petition - the addresses of the signatories must be included for this purpose.

** *A 'local person' is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.*

If there is an item / report on the agenda which relates to the petition, you will usually be asked to make your presentation at the beginning of that item. If there is no item / report on the agenda, representations on petitions will usually be heard at the start of the meeting. Time for presenting a petition will be limited to 3 minutes. The Chairman of the meeting may extend the time allowed, but only in exceptional circumstances. The person presenting the petition will not be allowed to take part in the debate on the petition. Once they have spoken to the meeting, Councillors may wish to ask them questions about the petition. Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

Petitions for Debate at Council

If a petition contains more than 2,000 signatures, you can ask for it to be debated at a meeting of full Council. This means that the issue raised in the petition will be discussed at a public meeting, which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

You may speak to a petition presented at the Council meeting provided that the above conditions are met and there is a relevant item on the Council agenda, or the Chairman of the Council decides that it is sufficiently urgent to allow representations to be made at the meeting.

The Petition Organiser, or nominee, will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the petition organiser does not attend the meeting, they will receive written confirmation of this decision within ten working days of the meeting.

Other Petitions

If your petition is about something over which the Council has no direct control we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and, where possible, will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this in the Council's response to you.

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might be simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Privacy Notice

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The personal information provided to the Council will be processed solely for the purposes of considering it as part of this Petitions Scheme. The Council usually will contact the Petitions Organiser in relation to the Petition. However, in the event that the Council needs to contact other named individuals, your personal information may be used for this purpose. The Petition will be available for public inspection under the Access to Information Act 1985 and the information retained in accordance with the requirements of this Act. Further information about the Council's handling of your personal data can be found in our Privacy Notice.

July 2014October 2019

EAST CAMBS TRADING COMPANY SHAREHOLDER AGREEMENT AND ARRANGEMENTS

Committee: Council

Date: 17 October 2019

Author: Director Commercial
Company Secretary ECTC

[U94]

1.0 ISSUE

1.1 To consider proposed changes to the membership of East Cambs Trading Company (ECTC) and the terms of reference for the Finance & Assets Committee in its capacity as Shareholder Committee.

2.0 RECOMMENDATIONS

2.1 Members are requested to:

- (i) approve the changes to the Board membership as detailed in paragraph 4.0;
- (ii) appoint Leader of Council and Chairman of Finance & Assets Committee to ECTC as Board Observers;
- (iii) authorise the Monitoring Officer to make consequential amendments to the Shareholder Agreement and Finance & Assets Committee Terms of Reference to implement the decisions of Council as detailed above.
- (iv) authorise the Company Secretary to make changes to the ECTC Articles of Association to implement the decision of Council as detailed above

3.0 BACKGROUND

3.1 Annual Council on 30 May 2019 (ref: Agenda Item 15) agreed revised shareholder arrangements for ECTC, specifically the designation of the shareholder function and member appointments to the Board.

3.2 The Leader of Council and Chairman, Operational Services Committee were appointed to the ECTC Board. The arrangements for the appointment of the respective Chairman to ECTC and ECSS was designed to avoid conflict of interests in the disposal of the shareholder function.

3.3 The Shareholder Agreement provides that certain decisions are reserved for Council approval. Such decisions include, but are not limited to, Amendments to the Articles of Association, matters relating to company structure, ECTC ability to borrow (except from the Combined Authority), ECTC ability to enter into joint ventures and approval of the annual business plan.

3.4 The Shareholder Agreement and Terms of Reference for the Finance & Assets Committee also requires ECTC to hold two all member shareholder meetings a year.

4.0 ARGUMENT/CONCLUSIONS

4.1 It is recommended to revisit these arrangements, specifically the re-designation of elected members from Board members with voting rights to observer non-voting status. In addition, this allows the Chairman of the respective 'shareholder' Committee to attend and speak at the Board covered by that Committee, ie, Chairman of Finance and Assets whose Committee fulfils the shareholder function for ECTC on behalf of the Council can now participate, but not vote in ECTC. The role and rights of the Observer is outlined in Appendix 1.

4.2 The arrangements agreed by Annual Council have also led to issues related to declaration of interests with the effect that elected members to the Board have not been able to participate fully in key strategic matters affecting the Council.

4.3 The revised composition of the Board (subject to Council approval of recommendations in paragraph 2.1) would be:

Chairman, ECTC (Independent)
Managing Director
Director, Commercial

The role of Managing Director and Director, Commercial will continue to be fulfilled by the Chief Executive and the Director Commercial for East Cambridgeshire District Council.

4.4 Council does not meet as frequently as the Finance & Assets Committee; this can impede ECTC's ability to make the most of opportunities that arise throughout the year. Further, the annual business plan is debated at Finance & Asset Committee and is again debate at Council at the next available meeting. This creates an issue in the business planning cycle; the current business planning and budget planning cycle does not provide for sufficient time to meet two different Council cycles, particularly where the Shareholder raises issues that need to be address prior to a decision being made. For these reasons, it is recommended that Council delegates certain decisions to the Finance & Assets Committee. Specifically;

- the approval of the annual business plan,
- the ability for ECTC to undertake external borrowing, and
- the ability for ECTC to enter into Joint Ventures.

4.5 In addition, it is recommended to reduce the two all member shareholder meetings to one annual all member shareholder meeting, which will be held at the end of each financial year.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implications of these proposals.

5.2 There is no requirement for an Equality Impact Assessment (INRA) at this stage.

6.0 APPENDICES

6.1 Appendix 1- The role and rights the Observers

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Council - 30 May 2019 Agenda Item No. 15	The Grange Ely	Emma Grima Director Commercial (01353) 616960 E-mail: emma.grima@eastcambs.gov.uk

**East Cambs Trading Company
The role and rights of the Observer**

The Observers are nominated by Council.

Role of the Observers

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

Rights of the Observers:

- The Board of Directors shall notify the Observers of when meetings will be held
- The Observers may contribute to discussions at Board Meetings
- The Observers are not entitled to vote on any decision contemplated by the Board of Directors
- The attendance of Observers is not counted towards a quorum
- Observers will have access to board papers and minutes and must comply with confidentiality rules of the company
- Observers cannot participate on matters where there is a direct conflict of interest related in their personal business

EAST CAMBS STREET SCENE SHAREHOLDER AGREEMENT AND ARRANGEMENTS

Committee: Council

Date: 17 October 2019

Author: Director Commercial
Company Secretary ECSS

[U95]

1.0 ISSUE

1.1 To consider proposed changes to the membership of East Cambs Street Scene (ECSS) and the terms of reference for the Operational Services Committee in its capacity as Shareholder Committee.

2.0 RECOMMENDATIONS

2.1 Members are requested to:

- (i) approve the changes to the Board membership as detailed in paragraph 4.0;
- (ii) appoint Deputy Leader of Council and Chairman of Operational Services Committee to ECSS as Board Observers;
- (iii) authorise the Monitoring Officer to make consequential amendments to the Shareholder Agreement and Operational Services Committee Terms of Reference to implement the decisions of Council as detailed above.
- (iv) authorise the Company Secretary to make changes to the ECSS Articles of Association to implement the decision of Council as detailed above

3.0 BACKGROUND

3.1 Annual Council on 30 May 2019 (ref: Agenda Item 15) agreed revised shareholder arrangements for ECSS, specifically the designation of the shareholder function and member appointments to the Board.

3.2 Deputy Leader of Council and Chairman, Finance and Assets Committee were appointed to the ECSS Board. The arrangements for the appointment of the respective Chairman to ECTC and ECSS was designed to avoid conflict of interests in the disposal of the shareholder function.

3.3 The Shareholder Agreement provides that certain decisions are reserved for Council approval. Such decisions include, but are not limited to, Amendments to the Articles of Association, matters relating to company structure and approval of the annual business plan.

3.4 The Shareholder Agreement and Terms of Reference for the Operational Services Committee also requires ECSS to hold two all member shareholder meetings a year.

4.0 ARGUMENT/CONCLUSIONS

- 4.1 It is recommended to revisit these arrangements, specifically the re-designation of elected members from Board members with voting rights to observer non-voting status. In addition, this allows the Chairman of the respective 'Shareholder' Committee to attend and speak at the Board covered by that Committee, i.e., Chairman of Operational Services Committee whose Committee fulfils the shareholder function for ECSS on behalf of the Council can now participate, but not vote in ECSS. The role and rights of the observers is outlined in Appendix 1.
- 4.2 The arrangements agreed by Annual Council have also led to issues related to declaration of interests with the effect that elected members to the Board have not been able to participate fully in key strategic matters affecting the Council.
- 4.3 The revised composition of the Board (subject to Council approval of recommendations in paragraph 2.1) would be:

Chairman ECSS (Independent)
Managing Director
Director, Operations

The role of Managing Director and Director, Operations will continue to be fulfilled by the Chief Executive and the Director Operations for East Cambridgeshire District Council.

- 4.4 It is further recommended that Council delegates certain decisions to the Operational Services Committee. Specifically, the approval of the annual business plan. This create a more streamlined process for the approval of the annual business plan.
- 4.5 In addition, it is recommended to reduce the two all member shareholder meetings to one annual all member shareholder meeting, which will be held at the end of each financial year.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There are no financial implications of these proposals.
- 5.2 There is no requirement for an Equality Impact Assessment (INRA) at this stage.

6.0 APPENDICES

- 6.1 Appendix 1- The role and rights of the Observer

Background Documents

Council - 30 May 2019
Agenda Item No. 15

Location

The Grange
Ely

Contact Officer

Emma Grima
Director Commercial
(01353) 616960
E-mail:

emma.grima@eastcambs.gov.uk

**East Cambs Street Scene
The role and rights of the Observer**

The Observers are nominated by Council.

Role of the Observers

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

Rights of the Observers:

- The Board of Directors shall notify the Observers of when meetings will be held
- The Observers may contribute to discussions at Board Meetings
- The Observers are not entitled to vote on any decision contemplated by the Board of Directors
- The attendance of Observers is not counted towards a quorum
- Observers will have access to board papers and minutes and must comply with confidentiality rules of the company
- Observers cannot participate on matters where there is a direct conflict of interest related in their personal business

REVIEW OF THE LOCAL PLAN 2015 AND WIDER PLANNING POLICY MATTERS

Committee: Full Council

Date: 17 October 2019

Author: Richard Kay – Strategic Planning Manager

[U96]

1.0 **ISSUE**

1.1 To seek an agreed way forward for the East Cambridgeshire Local Plan.

2.0 **RECOMMENDATION(S)**

2.1 That Council:

- I. Endorses the formal Review of the Local Plan, and, consequently, agrees not to commence preparation of a new Local Plan at this stage;
- II. Agrees to undertake a further Review within 18 months, or earlier if evidence suggests it is prudent to do so;
- III. Approves the updated Local Development Scheme as presented at Appendix 3;
- IV. Endorses the work programme for the preparation of Supplementary Planning Documents over the coming 1-2 years;
- V. Welcomes the continued progress with Neighbourhood Plans across the district, and commits to continue supporting their production where reasonable and practical to do so.

3.0 **BACKGROUND/OPTIONS**

Introduction

- 3.1 The preparation of a new East Cambridgeshire Local Plan made good progress up to it being submitted for independent examination in February 2018. For reasons set out in more detail in your Council report of February 2019, the examination proceeded considerably slower than the guidance suggests it ought, was fraught with confusion and a lack of clarity from the Inspector, and ultimately resulted in a set of Inspector proposed modifications which were unacceptable to this Council. Council therefore decided to 'withdraw' the emerging Local Plan from its examination, and in effect end its preparation.
- 3.2 Consequently, instead of having a new Local Plan in place, the Council has reverted back to its 2015 adopted Local Plan for the purpose of decision making on planning application.

Action Required

- 3.3 It is a legal requirement for a Council to have a Local Plan in place, and to keep it up to date. However, there is no fixed prescribed periods when a new Local Plan must be prepared, or what a maximum 'gap' between adopted Plans can exist.
- 3.4 That said, there is some legislation to be adhered to.
- 3.5 First, the 2017 Neighbourhood Planning Act (which incidentally was far more wide ranging than just Neighbourhood Planning) introduced within section 17 of the Planning and Compulsory Purchase Act 2004 new subsections, two of which are of most relevance to this report:
- “(6A) The Secretary of State may by regulations make provision requiring a local planning authority to review a local development document at such times as may be prescribed.*
- (6B) If regulations under subsection (6A) require a local planning authority to review a local development document—*
- (a) they must consider whether to revise the document following each review, and*
- (b) if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.”*
- 3.6 A 'local development document' referred above includes a Local Plan, as well as other planning policy type documents.
- 3.7 The above legislation was subsequently added to by Regulations in 2017 which established that a Local Plan 'review' at least every five years is now a legal requirement, by virtue of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended):
- “10A.—(1) A local planning authority must review a local development document [and] in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan”*
- 3.8 The above legislative requirement does not mean a new Local Plan must be **adopted** every five years nor does it mean preparation of a new Local Plan must be **commenced**. Rather, as a minimum, a **review** must take place.
- 3.9 It is fair to say that this terminology, and subtle difference between the three words, has caused some considerable confusion, especially to, for example, Parish Councils or others interested in plan-making.
- 3.10 The National Planning Policy Framework (NPPF) February 2019 and the supporting National Planning Practice Guidance (NPPG) (live guidance) starts to clarify what is expected by a 'review'. The NPPF states as follows:
- “33. Policies in local plans...should be reviewed to assess whether they need updating at least once every five years, and should then be*

updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy....”

3.11 The NPPG provides greater detail on what is expected, from para Paragraph: 062 Reference ID: 61-062-20190315, and extracts are given in the following commentary.

3.12 At para 064, it states that the “*review process is a method to ensure that a plan and the policies within remains effective*”.

3.13 Para 065 sets out some of the matters a Council could consider as part of its ‘review’ process.

“The authority can consider information such as (but not exclusively):

- conformity with national planning policy;*
- changes to local circumstances; such as a change in Local Housing Need;*
- their Housing Delivery Test performance;*
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;*
- whether issues have arisen that may impact on the deliverability of key site allocations;*
- their appeals performance;*
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*
- the impact of changes to higher tier plans;*
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;*
- significant economic changes that may impact on viability.; and*
- whether any new social, environmental or economic priorities may have arisen.”*

3.14 Para 068 goes on to say:

“A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies.”

3.15 Whilst para 070 reconfirms the legislative position:

“If a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan.”

3.16 In essence, a ‘review’ is a process whereby a conscious (and public) decision is reached by a Council as to whether or not a Local Plan is in need of updating,

either in whole or part. Once such a review is complete, the Council will need to decide which of the following two options apply:

- (i) The existing adopted Local Plan (2015 version, in our case) does need updating (and therefore the Council commits to preparing a new Local Plan); or
- (ii) The existing adopted Local Plan does not need updating, and (as legally required) issues a statement confirming as much.

3.17 Ultimately, the decision of the Council is then binding. There is no legal mechanism to challenge the outcome of the review, other than in an extreme case the Secretary of State has the ability to commence a new Local Plan for an area, even if the local area had decided not to do so.

3.18 Once a review has been undertaken, if the subsequent decision is to not commence a new Local Plan, then it is not clear what happens thereafter (other than the issuing of a Statement); there is no legislation or national policy setting out that a further review must take place at some point in the future. Nevertheless, officers would recommend under this scenario that further reviews are undertaken approximately every 12-18 months, and a decision communicated each time. Such reviews would cease to take place once the decision has been taken to formally commence a new Local Plan.

ECDC Review and decision

3.19 A review, and the decision reached, must be completed by 21 April 2020, this being the 5th anniversary of the adopted 2015 East Cambridgeshire Local Plan. However, officers believe a slightly early review would be beneficial, rather than waiting until 2020, hence the presentation of this agenda item today.

3.20 Officers have accordingly undertaken a draft review in accordance with NPPG guidance, and set this out at Appendix 1.

Determining whether or not a new Local Plan should be commenced

3.21 The review at Appendix 1 provides a mixed picture as to whether or not a new Local Plan should be commenced. It is certainly not clear-cut that a new Local Plan should, or should not, be commenced.

3.22 In addition to the review at Appendix 1 prepared in line with national guidance, what national guidance does not make reference to is the consideration of cost in preparing a new Local Plan, nor the risk that, even if a new Local Plan is commenced preparation, that an adopted Local Plan will actually be achieved.

3.23 The cost of preparing a new Local Plan is significant (and takes around three years to complete), and comprises three main financial elements:

- (i) **Staff costs:** the Council currently operate on approximately 1FTE planning policy basis, delivered via an SLA arrangement with Peterborough City Council (the 1FTE utilises two part time 'core' officers

covering day to day matters, plus calls upon additional occasional specialist officers to meet specific demands, such as neighbourhood planning advice to parish councils and ecology advice sought by the development management service). If a new Local Plan was to be prepared, it would likely be necessary to boost that resource to 3FTE, either via recruiting directly or increasing the SLA. The total cost of this additional 2FTE (taking account of on-costs such as NI and pension etc) would likely be in the region of £100-150k pa, for 3 years. Total £300-450k.

- (ii) **Evidence base costs:** preparing a Local Plan requires considerable evidence material to be prepared. Whilst much of this can be done in-house (i.e. covered by the 3FTE staff), some elements cannot. These are the technical evidence base reports such as traffic modelling, flood and water resource modelling, and viability assessments. It is hard to be certain on what these costs would amount to, but as an estimate £100-200k would need to be set aside, with a risk of a greater sum, over the three year period.
- (iii) **Inspector and Examination costs:** The Council must pay for an Inspector, a Programme Officer and any incidental costs associated with the examination of the Local Plan. These costs occur in year 3 only, but are likely to be in the region of £100k.

3.24 As can be seen, therefore, deciding to prepare a new Local Plan will likely require a minimum budget of £500k to be found, spread over a three year period, with the risk that such a budget could increase (if, for example, additional evidence is required, or delays to preparing the Plan occur).

3.25 Overall, taking account the outcome of the review at Appendix 1 together with the costs described above, it is recommended that the outcome of the process is to **not commence a new Local Plan at the present time**. If Members agree such a position, then attached at Appendix 2 is a draft official statement setting out such reasoning, which will need to be published.

Local Development Scheme

3.26 It is a statutory requirement to publish, and keep up to date, a 'Local Development Scheme' (LDS). An LDS sets out the timetable for preparing a Local Plan. It is important Members are aware that it is not lawful for a Council to commence preparing a new Local Plan without first publishing an LDS saying it will do so.

3.27 The most recent LDS for East Cambridgeshire was adopted by Full Council on 5 October 2017, and, in short, that set out the forecast timetable for the Local Plan as was being prepared at the time. It forecast that the new Local Plan would be adopted in October 2018. Of course, events have not folded out as anticipated, and as such the presently published LDS is now clearly out of date.

3.28 A new LDS is therefore needed to be published, the content of which will be determined by the decision as to whether or not to commence a new Local Plan.

3.29 Accordingly, at Appendix 3 is a draft LDS recommended for approval, and prepared on the basis that a new Local Plan is not to be commenced in the immediate future. If Council determines today to commence a new Local Plan, then the LDS at Appendix 3 should not be approved as presented. Instead, delegation could be given to Officers to publish an LDS similar to that at Appendix 3, but with an appropriate timetable for preparing a new Local Plan included within it, which in short would seek an adopted new Local Plan sometime in 2022.

Other Planning Policy Matters – work programme

3.30 In addition to a decision on whether or not to commence preparing a new Local Plan (and the associated decision on an updated LDS), officers are recommending that a series of Supplementary Planning Documents (SPDs) are prepared over the next 1-2 years.

3.31 The NPPF defines an SPD as follows:

*“**Supplementary planning documents:** Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”*

3.32 ECDC current has a number of adopted SPDs. Some of these are policy thematic based (e.g. Community-led Development SPD), some are site specific (e.g. Bell Road, Bottisham Masterplan) and one is about how we will seek Developer Contributions. Full details are available here:

<https://www.eastcambs.gov.uk/local-development-framework/supplementary-planning-documents>

3.33 Officers recommend that the following new or updated SPDs are prepared, with an approximate set of dates for their preparation. These SPDs can be prepared without additional financial resource, and can be completed utilising the present 1FTE planning policy resource identified earlier.

- **Self and Custom Build SPD:** this short SPD will set out greater detail on what the Council expects from development proposals which fall under this type of development, and the relationship to CIL liabilities (Self and Custom Build homes being exempt from CIL, under national legislation). Draft for consultation this winter; version ready for adoption by end of 2020.
- **Natural Environment SPD:** this SPD will, amongst other matters, set out advice and detailed policy requirements relating to the natural environment, tackling issues such as: ‘net gain’ in biodiversity via development proposals; technical advice in terms of discharging Habitat Regulation Assessments (HRA) obligations, especially in relation to swan and goose foraging in

designated protection zones around the Ouse Washes; and setting out the Council's position in relation to the recently adopted Local Nature Partnership vision to 'double land for nature' by 2050 across Cambridgeshire (a vision also endorsed by the Combined Authority in July 2019). Draft for consultation by early 2020; version ready for adoption by early 2021.

- **Developer Contributions SPD:** this will be an updated version of our current SPD, bringing up to date guidance and policy on matters such as affordable housing, education and open space contributions (though Members should note that an SPD cannot fundamentally amend or contradict policy as set out in the adopted Local Plan: it can only provide additional guidance or detailed complementary policy. Government also issued advice in September 2019 stating such SPDs must no longer set out 'formulaic' contribution asks, which considerably limits what such an SPD can do). Subject to detailed consideration of recent changes to national policy and regulations on developer contributions, the aim is for a draft for consultation by early 2020; version ready for adoption by early 2021.
- **Design Guide SPD:** this will be an updated version of our current SPD, bringing up to date detailed design related guidance. Draft for consultation in the first half of 2020; version ready for adoption by early 2021.

3.34 The above scheduled dates should be regarded as indicative rather than fixed, and where possible earlier dates will be sought.

Neighbourhood Planning

3.35 For those unfamiliar with the concept, the government backed 'Locality' website (<https://neighbourhoodplanning.org/>) summarises a Neighbourhood Plan as follows:

"In very simple terms, a neighbourhood plan is:

- *A document that sets out planning policies for the neighbourhood [parish] area – planning policies are used to decide whether to approve planning applications*
- *Written by the local community, the people who know and love the area, rather than the Local Planning Authority*
- *A powerful tool to ensure the community gets the right types of development, in the right place"*

3.36 Thus, whilst the preparation of a Neighbourhood Plan is entirely down to a Parish Council, East Cambridgeshire District Council can support their preparation (and legislation prescribes the minimum such support, such as the holding of a referendum at the end of the process).

3.37 In July 2018, Full Council updated its earlier (2015) commitments in respect of supporting any parish council which decides to prepare a Neighbourhood Plan, in Part 4 of a document known as a Statement of Community Involvement (SCI), available here:

<https://www.eastcambs.gov.uk/local-development-framework/statement-community-involvement-sci>

3.38 Over recent years, a number of parish councils have embarked on the journey of preparing such a Plan, with two (Fordham and Sutton) successfully gaining a completed Neighbourhood Plan for their area. For further details on Neighbourhood Planning in East Cambridgeshire, including those parish councils which have indicated their desire or have commenced preparing such a Plan, are available here:

<https://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

3.39 Officers of the Council have supported parish councils on a regular basis, and have held 'parish conferences' explaining in more detail the pros and cons of embarking on preparing a Plan. Overall, we have received regular positive feedback from the parish councils we have assisted.

3.40 A recommendation of this report, therefore, is to demonstrate a continued commitment to support parish councils, helping them decide whether preparing a Neighbourhood Plan is good idea for their area, and, if they decide to prepare a Plan, helping them throughout the process in line with our commitments set out in the SCI.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 If the recommendations in this report are approved, then there are no financial implications arising, and actions can be covered by existing budgets. However, if it is determined that preparation of a Local Plan be commenced, then it is likely such a Local Plan will require £500-£750k in additional resources (for reasons described in this report), spread over a three year period.

4.2 An Equality Impact Assessment (INRA) is not required, because the recommendations in this report are not proposing the commencement or adoption of any new Policy or project.

5.0 APPENDICES

Appendix 1 – A Review of the East Cambridgeshire Local Plan 2015

Appendix 2 – A Statement on the outcome of the Review

Appendix 3 – A Revised LDS for adoption

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

Appendix 1 – Review of East Cambridgeshire Local Plan April 2015

In accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), this assessment forms the formal 'review' of the East Cambridgeshire Local Plan 2015.

The structure of this 'review' is based upon government advice at Paragraph: 065 Reference ID: 61-065-20190723 of the NPPG, as issued on 23 July 2019.

Conformity with national planning policy

The April 2015 Local Plan was prepared to be in conformity with the NPPF as published in 2012. However, that NPPF has been revised and republished in 2018, and again in February 2019.

The updated NPPF is similar to the 2012 version (and in some places is identical), but some aspects of the new version are different.

The Local Plan is, therefore, considered to be ***predominantly but not entirely*** in conformity with national policy. Areas of non-conformity include:

- Affordable housing policy is slightly different in the new NPPF, with affordable housing no longer to be sought on sites which are not major developments (fewer than 10 dwellings), whereas previously it was 11. The definition of what constitutes an affordable dwelling has been considerably widened. The new NPPF also refers to 10% of the homes to be available for affordable home ownership. The 2015 Local Plan is slightly out of date, but not critically so and the new NPPF rules can be (and are being) implemented without the need for Local Plan policy to be updated. Planning Committee received a more detailed note on this matter on 2 October 2019.
- The way an authorities' housing need is calculated has been altered. Rather than relying on an Objectively Assessed Need (OAN) figure derived from a variety of independent evidence-based sources, government has introduced a new Local Housing Need (LHN) method which incorporates a standard methodology for each local authorities' housing need. However, and notwithstanding that the LHN result changes every year, the annual housing target identified in the 2015 Local Plan is remarkably similar to the latest LHN target for East Cambridgeshire.
- NPPF has updated objectives for promoting sustainable transport (with an emphasis on walking, cycling and public transport provision) and states that the planning system should actively manage patterns of growth in support of these objectives. However, none of this is at significant conflict with the 2015 Local Plan.
- There is a greater emphasis in the new NPPF on good design, but it is not prescriptive, and therefore the 2015 Local Plan broadly remains in line.

- Biodiversity requirements have been strengthened in the new NPPF, especially around the need for a 'net gain' in biodiversity. The 2015 Local Plan is less demanding. However, this shortfall could be overcome by other means, such as preparation of supplementary planning documents.

Other elements of the updated NPPF follow a similar theme to the commentary above; namely, the 2015 Local Plan remains broadly in line with the 2019 NPPF, but not entirely so. A new Local Plan would obviously close those inconsistency gaps, but, on this ground alone, there does not appear justification to commence a new Local Plan. Put simply, the new NPPF can be used for decision making in any event, especially in those areas where the 2015 Local Plan is not fully aligned.

Changes to local circumstances; such as a change in Local Housing Need

Fundamentally, since 2015, there has been no substantive change of circumstance in the district. In particular, the identified annual housing 'need' and target remains very similar to what it has been for the past several years (unlike most districts whereby the LHN method has resulted in a considerable swing in annual need, either up or down).

Perhaps the biggest change to local circumstances of note is the establishment of the Combined Authority, which is discussed further below.

Housing Delivery Test performance

East Cambridgeshire's HDT performance is acknowledged as being poor, though it has to be remembered what the HDT is about: namely, it is a test of how many homes developers have built (or 'delivered'), not a test of a council's performance.

In August 2019, the Council published, as it was required to do so, a HDT Action Plan, which broadly identified what it believed to be the causes of the poor test result, and what action might be undertaken. In short, it found that ECDC was providing ample permission for homes, and had a robust planning service in place to support developers, but, put simply, developers were not building homes they had permission for at anything like the rate which could be expected.

As such, the HDT Action Plan process does not provide evidence that a new Local Plan is required.

Whether the authority can demonstrate a 5 year supply of deliverable sites for housing

The Council cannot presently demonstrate a 5 year supply of deliverable sites, when applying national methodology. This 'failure' is entirely down to the low level of delivery of (built) homes since 2011, with such backlog of unbuilt homes being added to what we are required to deliver in the next five years, so much so that a near impossible target is now set by government as to how many homes need building in East Cambridgeshire in the next five years (approximately five times more than was achieved in the previous five years).

Once the 2015 Local Plan is five years old (i.e. in April 2020), such 'backlog' is removed and it appears extremely likely that the council will then be able to demonstrate a 5 year supply of deliverable sites.

Accordingly, adopting a new Local Plan would have no material benefit in terms of passing this particular 'test'. If anything, a new Local Plan could place the Council at greater risk of future failing the test, because 'backlog' would once again start to accumulate.

As such, the present failure to not being able to demonstrate a five year land supply does not provide evidence that a new Local Plan should be prepared.

Whether issues have arisen that may impact on the deliverability of key site allocations

No key site allocations as set out in the 2015 Local Plan have any issues which have arisen since its adoption which would render such allocations as undeliverable.

As such, there is no evidence under this criterion which points to the need to undertake a new Local Plan.

Appeals performance

The Council's appeal performance is generally acceptable, and it is not apparent how a new Local Plan would either reduce the level of appeals or result in a greater number of appeals being rejected.

Success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report

Neither the Local Plan nor the AMR set out a policy-by-policy set of indicators.

The impact of changes to higher tier plans

There are no 'higher tier' plans which have been adopted or under preparation since the 2015 Local Plan was adopted.

However, since 2015, the Combined Authority has been set up and it has the duty to prepare a 'non-statutory spatial framework' (NSSF). This is not a 'higher tier plan' as such, due to its non-statutory status, but nevertheless is intended to give direction as to how the Cambridgeshire-Peterborough area should grow in the future. The NSSF is currently being prepared, with a consultation document expected in Autumn or Winter 2019 and a finalised version in 2020.

Whilst a future East Cambridgeshire Local plan would not be obliged to follow what that NSSF says, the expectation is that it should attempt to align with its aims and objectives.

On this basis, this gives weight to delaying slightly preparation of a new Local Plan for East Cambridgeshire, in order to await the outcome of the NSSF.

Plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need

Near neighbours South Cambridgeshire*, Cambridge City*, Fenland and West Suffolk have all committed to preparing a new Local Plan, and are all at the early stages of doing so (* a joint plan).

None have to date identified that they are unable to meet all their housing need, though it is too early in their plan-making process for a conclusion on this to be reached. That said, there is no expectation that any of those councils will be seeking to meet some of their need in East Cambridgeshire.

With several neighbours commencing a new plan, all of whom are, like East Cambridgeshire, within the 'Cambridge Housing Market Area', aligning a new Local Plan for East Cambridgeshire with a similar timetable would be helpful and could mean any strategic cross-border issues are more easily considered and dealt with. It could also result in some cost savings through shared evidence base production, compared with East Cambridgeshire preparing a plan on a timetable not aligned with neighbours.

Overall, plan-making activities of other authorities does add some weight to the argument for East Cambridgeshire commencing a new Local Plan. However, it is not compelling evidence and is more for beneficial practical and slight financial reasons rather than 'planning' reasons.

Significant economic changes that may impact on viability

Directly and locally, there has been no significant change that may impact on viability. That said, both nationally and sub-regionally, there has been considerable economic change, though the greatest uncertainty is yet to come, with the imminent leaving of the European Union, on terms not yet finalised (at the time of writing). The UK government response to Brexit, once it is known in what shape that will be, could have significant implications for planning and economic development, which could be an argument to delay commencing a new Local Plan in the short term.

Whether any new social, environmental or economic priorities may have arisen.

No other priorities of significance have arisen

Other matters

Government has indicated that a priority for Autumn 2019 is the issuing of a Green Paper on the planning system, the content of which is expected to include significant suggestions for the way the planning policy system functions. Awaiting such direction of travel could be sensible, rather than commencing a new Local Plan now and having to adjust to 'different rules' mid-way through its preparation.

Appendix 2 – Statement to be published following the Review (if recommendation approved)

East Cambridgeshire Local Plan – April 2015

A Statement setting out the outcome of a Review of the Local Plan 17 October 2019

Introduction

Section 17 of the Planning and Compulsory Purchase Act 2004, together with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires a Council to Review its Local Plan prior to it becoming five years old. The review is necessary to determine whether or not a new Local Plan is need of preparing.

The East Cambridgeshire Local Plan 2015 becomes 5 years old on 21 April 2020, and therefore a Review is required by that date.

Outcome of the Review

On 17 October 2019, East Cambridgeshire District Council concluded a Review and determined that its Local Plan 2015 does not at the present time require to be updated. As such, no new Local Plan for the area is to be commenced.

Reasons for Considering that no new Local Plan is necessary

The Council determined that it was not appropriate to commence preparation of a revised/new Local Plan at the present time because of the following primary reasons, with a more detailed assessment set out in the public report to Council of 17 October 2019:

- Following a detailed Review, no compelling evidence indicated a need to commence a new Local Plan at the present time;
- Some evidence indicated that waiting to commence a new Local Plan to a future date had benefits, including such a plan being able to align with:
 - the yet to be published national Green Paper on planning (due Autumn 2019);
 - the yet to be finalised Combined Authority Non Statutory Spatial Framework for Cambridgeshire-Peterborough (due by end of 2020/21);
 - the national response to the Brexit situation.

Commencing a Local Plan prior to these wider matters concluding could result in aborted work.

- The cost implications of preparing a new Local Plan, estimated at between £500,000-£750,000, particularly when weighed against the less than compelling evidence of the need for a new Local Plan at this stage.

Commitment to a further Review

The Council committed to undertaking a second Review of the Local Plan within 18 months of the conclusion of this first Review. That second Review will once again determine whether or not a Local Plan should be commenced for the area.

East Cambridgeshire District Council



East Cambridgeshire Local Development Scheme 2019

October 2019

The Strategic Planning Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambs CB7 4EE
01353 665555
planningpolicy@eastcambs.gov.uk

Preface

This new LDS of October 2019 replaces the previous LDS dated October 2017.

If you require any further information regarding the Scheme, please contact a planning policy officer of Strategic Planning Team on (01353) 665555 or by email to planningpolicy@eastcambs.gov.uk

This LDS is produced under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

East Cambridgeshire Local Development Scheme

1. Introduction

- 1.1 The Local Development Scheme (LDS) is a timetable which sets out the Development Plan Document(s) (DPDs) that a local planning authority intends to produce over the next few years. Such DPDs are also often known as Local Plan(s) for an area.
- 1.2 This East Cambridgeshire LDS sets out the timetable for East Cambridgeshire for the next few years. An LDS explains when the Council intends, if at all, to reach key stages in the preparation of a new Local Plan. This LDS replaces the East Cambridgeshire LDS which was adopted in October 2017.

The Local Plan and Supporting Documents

- 1.3 National planning policy is headlined by the 'National Planning Policy Framework' (NPPF). Locally, the East Cambridgeshire planning policy framework comprises more than just DPDs (Local Plan).
- 1.4 In summary, the local set of planning policy related documents comprises the following:
 - **Development Plan Documents (DPDs):** These are documents (often referred to as 'Local Plans') that usually form the bulk of the statutory 'development plan' for the area. They are prepared by the relevant plan-making authority and are subject to independent examination by a planning inspector appointed by the Secretary of State. For East Cambridgeshire, as at October 2019, they are the East Cambridgeshire Local Plan (April 2015), and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Minerals and Waste Site Specific Proposals DPDs.
 - **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in DPDs apply. The Policies Map may include inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a DPD (including a Minerals and Waste DPD and a Neighbourhood Plan) is adopted. East Cambridgeshire has a Policies Map.
 - **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its DPDs (Local Plan). They do not form part of the statutory 'development plan' and are not subject to independent examination. The District Council can decide to produce an SPD on any appropriate subject whenever the need arises. There is no requirement for this LDS to set out a timetable for the production of any SPDs.
 - **Neighbourhood Plans:** Local communities, including Parish and Town Councils, can now prepare Neighbourhood Plans (NPs) putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in DPDs (Local Plan) and with national policy. NPs are not able to propose lower levels of development than those set out in up to date Local Plans but could propose higher levels, or offer other detailed policy proposals. It is up to local communities (parish councils) to decide if it wants to produce a Neighbourhood Plan and so it is not appropriate for this LDS to specify when, or for where, they will be produced. Any NP, when adopted, has the same status as a DPD, and collectively form the 'development plan' for the area. At the time of writing, two Neighbourhood Plans have been completed in East Cambridgeshire, but more are under production. The completed ones are listed below.

Fordham Neighbourhood Plan - 18 December 2018

Sutton Neighbourhood Plan - 30 May 2019

- **Statement of Community Involvement (SCI):** This is a document that explains how the local planning authority will engage the community in the preparation, alteration and review of planning documents, and in development control decisions. It is required to specify how and at what stages people will have the opportunity to be involved in planning for their area. A refresh of East Cambridgeshire's SCI was published in July 2018.
- **Authority's Monitoring Report:** This is a report which must be produced by the local planning authority (usually on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

1.5 Further details on the documents referred above can be found on our website, whilst a summary of the main ones are listed in Table 2 below.

Joint Working Arrangements and Joint Local Plans

1.6 The District Council has a good track record of joint working with other authorities, and has especially close ties with other Cambridgeshire districts.

1.7 However, there are no plans to establish formal joint working arrangements or a joint committee (under section 29 of the Planning and Compulsory Purchase Act 2004) with any other local planning authority, but the District Council will fulfil its responsibilities under the duty to co-operate requirements of s33A of the Planning and Compulsory Purchase Act, and keep open the possible production of joint evidence studies, and, if appropriate, the preparation of a joint plan or SPDs.

2.0 Local Plan Timetable

2.1 If East Cambridgeshire intends to commence preparing a new DPD (Local Plan), then there are a number of stages involved. This process allows for opportunities for the public to be involved, early resolution of conflicts/objections, and an Independent Examination.

2.2 However, at present, and following a formal review of the 2015 Local Plan in October 2019, East Cambridgeshire District Council has determined not to commence a new DPD (Local Plan) for the present time. It intends to undertake a further review in the next 1-2 years, and make a decision at that stage as to whether or not to commence preparation of a new Local Plan.

2.3 When a decision has been taken to commence a new Local Plan, it will likely follow the stages set out in Table 1 below.

3.0 Subject Matter and Geographical area of a future East Cambridgeshire Local Plan (DPD)

3.1 To meet the requirements of section 15 (2)(b) of the Planning and Compulsory Purchase Act 2004, when preparation of a new Local Plan is commenced, this LDS must set out what subject matter it will include, what geographical area it will cover and what existing policies are to be replaced. However, as no DPD (Local Plan) is due to commence, then this LDS remains silent at this stage on this requirement.

Table 1: Key Stages for Production of a new Local Plan Document

No.	Stage	Description	Actual dates stage proposed to take place
1	Consult on a sustainability appraisal (SA) scoping report	The SA scoping report sets out the sustainability objectives proposed to be used to appraise the economic, social and environmental effects of the emerging Local Plan policies. The SA scoping report is subject to consultation.	No date set
2	Public participation (Regulation 18)	Opportunity for interested parties and statutory consultees to consider the options for the plan before the final document is produced. This stage may involve one or more public consultation rounds, each for a minimum 6 weeks. We intend two rounds for the new Local Plan.	No date set
			No date set
3	Proposed-Submission Publication (Regulation 19)	The Council publishes the Local Plan which is followed with a 6 week period when formal representations can be made on the Local Plan.	No date set
4	Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at Regulation 19 stage.	No date set
5	Independent Examination (including likely Hearing sessions) and Inspector's Report	Held by a Planning Inspector into objections raised on the Local Plan.	No date set
		The Inspector's Report will determine whether the Plan is 'sound' or 'not sound'. The Inspector may make recommendations to make the plan 'sound'	
6	Adoption of DPD (Local Plan)	Final stage, the Council will formally need to adopt the Local Plan and it will then be used in making planning decisions.	No date set

Table 2: Adopted Development Plan Documents for East Cambridgeshire (as at October 2019)

Document title	Status	Geographical area	Role and content	Adoption Date
East Cambridgeshire Local Plan	DPD	Administrative area of East Cambridgeshire	Sets out the vision, objectives and overall strategy for the spatial development of East Cambridgeshire up to 2026, together with detailed planning policies and site allocations	Adopted April 2015
Fordham Neighbourhood Plan	NP	Fordham parish council area	The Fordham Neighbourhood Plan sets out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. Detailed policies and allocations in the neighbourhood plan will help to deliver this.	'Made' on 18 December 2018
Sutton Neighbourhood Plan	NP	Sutton parish council area	Sutton Neighbourhood Plan has a vision for the parish where its unique character is appreciated and cherished, the quality of the environment is maintained and continues to improve, the opportunities presented to all, young and old, to live and prosper continue to be enhanced, and the life led by its residents remains a healthy and happy one. Detailed policies and allocations in the neighbourhood plan will help to deliver this.	'Made' on 30 May 2019
Minerals and Waste Core Strategy (including development control policies)	DPD	Administrative areas of Cambridgeshire and Peterborough	Document setting out the strategic vision, objectives and core development control policies to guide minerals and waste development over the period to 2026	Adopted July 2011*
Minerals and Waste Site Specific Proposals	DPD	Administrative areas of Cambridgeshire and Peterborough	Document setting out site specific proposals for minerals and waste development over the period to 2026 and supporting site specific policies.	Adopted February 2012*

**please note that the Minerals and Waste DPDs are currently at an advanced stage of being replaced by a new single Minerals and Waste Local Plan. That Plan is being prepared by Cambridgeshire County Council and Peterborough City Council.*

COMMUNITY INFRASTRUCTURE LEVY UPDATE AND PROPOSED CHANGES

Committee: Council

Date: 17 October 2019

Author: Director Commercial

[U97]

1.0 **ISSUE**

1.1 To note recent changes to the Community Infrastructure Levy Regulations and to consider new governance arrangements and amendments to the Infrastructure List (formerly referred to as the Regulation 123 List).

2.0 **RECOMMENDATION**

2.1 Members are requested to:

- i) Note the update provided on the changes to the Community Infrastructure Levy Regulations which came in to force on 1 September 2019;
- ii) Approve the Infrastructure List as set out in Appendix 1;
- iii) Approve the draft Governance Arrangements as set out in Appendix 2; and
- iv) Authorise the Deputy Monitoring Officer to make the necessary changes to the Council's Constitution

3.0 **BACKGROUND/OPTIONS**

Update on changes to the Regulations

3.1 The Community Infrastructure Levy (CIL) Regulations have been amended and came into force on 1 September 2019. The amended Regulations make a number of changes to the operation of CIL and Section 106 planning obligations. The impact of the changes specifically relevant to the Council are:

- Removing the restriction on the number of Section 106 planning obligations that can be used to fund a single piece of infrastructure; and
- Introducing new reporting requirements through Infrastructure Funding Statements (from December 2020).

3.2 The latest amendment to the Regulations removes the previous restriction on pooling more than 5 Section 106 planning obligations towards a single piece of infrastructure. This means that, subject to meeting the 3 tests set out in CIL Regulation 122, the Council can use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure regardless of

how many Section 106 planning obligations have already contributed towards a single item of infrastructure.

- 3.3 The Council should ensure that the combined total impact from CIL and Section 106 planning obligations does not undermine the deliverability of the plan. In the coming weeks and months Officers will work proactively with stakeholders to explore the opportunities available as a result of these amendments.
- 3.4 A further amendment to the Regulations requires the Council to produce Annual Infrastructure Funding Statements. The Council must publish (on its website) a document which contains the following:
- A statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL. This is referred to as the 'Infrastructure List',
 - A report about CIL in relation to the previous financial year which includes matters specified in paragraph 1 of Schedule 2 of the Regulations. This is referred to as the 'CIL Report', and
 - A report about planning obligations, in relation to the reported year, which includes matters specified in paragraph 3 of Schedule 2 of the Regulations. This is referred to as the 'Section 106 Report'.
- 3.5 The first Annual Infrastructure Funding Statement must be published by 31 December 2020. Work is already underway to ensure the system can accommodate the new reporting requirements. The Council will ensure that the new reporting arrangements are in place from 1 April 2020 as this will make reporting on financial years easier.

Changes to the Infrastructure List

- 3.6 On 24 April 2019 (Agenda Item 5) Planning Committee recommended including projects to the Infrastructure List (formerly R123 List). This recommendation arises from the application for a development of 500 dwellings at Kennett. The infrastructure proposed for inclusion on the Infrastructure List is as follows:
- Soham Village College with a financial allocation not exceeding 50.13% of the total CIL receipt arising from the Kennett development (currently £2,757,000),
 - Libraries (serving the Kennett development) with a financial allocation not exceeding 0.80% of the total CIL receipt arising from the Kennett development (currently £44,150),
 - Traffic Calming (serving the Kennett development) with a financial allocation not exceeding 4.09% of the total CIL receipt arising from the Kennett development (currently £225,000),
 - B1056 Crossroads with a financial allocation not exceeding 4% of the total CIL receipt arising from the Kennett development (currently £220,000), and

- Village Green (serving the Kennett development) with a financial allocation not exceeding 15.64% of the total CIL receipt arising from the Kennett development (currently £860,000).

Changes to governance

Current arrangements

- 3.7 There are two sets of governance arrangements in place; where the CIL receipt from a single development is less than £1,000,000 and where the CIL receipt from a single development exceeds £1,000,000.
- 3.8 The following table identifies how CIL has been allocated/spent:

Project	Allocated	Spent
District Leisure Centre	£4,242,591.21	£2,894,070.60
Ely Southern Bypass	£1,000,000	£714,442.82
Littleport Schools	£5,020,000	£734,442.82
Ely Commuter Car Park	£500,000	£500,000
Littleport Station Car Park	£400,000	£400,000
Burwell Recreation Ground	£295,000	£295,000
Sutton GP Expansion	£56,621.63	£0
Ely Museum	£165,000	£165,000
The Mill Project Soham (VIVA)	£280,000	£280,000

- 3.9 The adopted arrangements provide for two categories; Major Projects, which are projects with a value range of £50,000 and £2,000,000, and Strategic Projects, which are projects with a value exceeding £2,000,000. CIL income is then apportioned on receipt; 5% admin, 15% meaningful proportion (25% where a Neighbourhood Plan is made), 25% Major and 55% Strategic.
- 3.10 All Major project allocations are determined by the relevant committee and the Strategic project allocations are prescribed for apportionment as follows:

Project	Percentage of Strategic Income
District Leisure Centre	40%
Littleport Schools (max £1,556,144)	25%
Ely Southern Bypass (max £1,000,000)	25%
Other (allocation to be determined by the relevant committee)	10%

- 3.11 In addition to these arrangements there are special arrangements in place for income received from the North Ely developments. Over the lifetime of the development the CIL receipts will be approximately £10.25 million. The table below identifies how the income is apportioned:

Project	Allocation
Children's Centre	£79,083
Littleport Schools	£3,463,856
Health	£1,813,786
District Leisure Centre	£2,500,000
Country Park	£622,868
Meaningful Proportion	£1,531,012
Admin	£234,832

£2,503,301 has been received to date. £375,495.15 has been transferred to City of Ely Council for the Meaningful Proportion and £2,127,805.85 has been allocated to the District Leisure Centre (reflected in the table at 3.8).

- 3.12 The proposals outlined below recognise all previous decisions and commitments.

Proposed changes

- 3.13 Officers have identified that CIL income continues to rise year on year, and is becoming more certain as the development industry adapts to the different charging mechanism and on that basis there is a need to revise the current arrangements to provide more certainty, for funding to projects, to our stakeholders and provide more structure to how projects are funded.

3.14 District Leisure Centre

The maximum that can be funded from CIL is £11,500,000. To date CIL commitment is £4,242,591.21 (spent £2,894,070.60 with £1,348,520.61 held for transfer at year end). It is proposed that 20% of all CIL receipts are allocated to the District Leisure Centre up to a maximum of £7,257,408.

3.15 Littleport Schools

The maximum that can be funded from CIL is £5,020,000. To date CIL commitment is £1,185,490.85 (spent £734,442.82 with £451,048.03 held for transfer to Cambridgeshire County Council). It is proposed that 10% of all CIL receipts are allocated to Littleport Schools up to a maximum of £3,834,509.15.

3.16 Ely Southern Bypass

The maximum that can be funded from CIL is £1,000,000 (spent £714,442.82 with £285,557.18 held for transfer to Cambridgeshire County Council). It is proposed that once the held balance is transferred to Cambridgeshire County Council Ely Southern Bypass is removed from the Infrastructure List as the Council will have fully met its obligations.

3.17 **Children’s Centre (serving North Ely development)**

It is proposed that 1% of all CIL receipts are allocated to the Children’s Centre (serving North Ely development) up to a maximum of £79,083.

3.18 **Health (serving North Ely development)**

It is proposed that 10% of all CIL receipts are allocated to Health (serving North Ely development) up to a maximum of £1,813,786.

3.19 **Ely Country Park Expansion**

It is proposed that 5% of all CIL receipts are allocated to the Ely Country Park Expansion up to a maximum of £1,000,000.

3.20 **Meaningful Proportion**

15% (25% where a Neighbourhood Plan is made) of all CIL receipts are allocated in accordance with the Regulations. Where there is a made Neighbourhood Plan the ‘Other’ allocation will reduce by 10%.

3.21 **Administration**

It is proposed that 2.5% of all CIL receipts will be allocated for the monitoring and administration of CIL.

3.22 **Other**

It is proposed that 36.5% (26.5% where a Neighbourhood Plan is made) of all CIL receipts is set aside to benefit other projects on the Infrastructure List.

3.23 To put this into context; the current value of outstanding invoices is £4,789,441.02. If the proposed changes are approved this income would be apportioned as follows:

Project	Allocations
District Leisure Centre	£957,888.20
Littleport Schools	£478,944.10
Children’s Centre	£47,894.41
Health	£478,944.10
Country Park	£239,472.05
Meaningful Proportion	£718,416.15
Admin	£239,472.05
Other	£1,748,145.97

3.24 Under the current arrangements there is £631,687.19 unallocated in ‘Other’ Strategic Projects and £545,179.92 is unallocated in Major Projects. It is proposed that these receipts are moved to ‘Other’ in the proposed

arrangements. Using the indicative table at 3.23 above this would increase 'Other' from £1,748,145.97 to £2,925,013.08.

3.25 Where projects have a % allocation and have been completed, the allocation will benefit the 'Other' projects.

4.0 ARGUMENTS/CONCLUSIONS

4.1 The proposals identified in 3.6 of this report follow recommendations made by Planning Committee, follow the approach taken with the North Ely development and are in accordance with the current and proposed governance arrangements. For these reasons Members are recommended to approve the inclusion of these projects in the Infrastructure List as provided at Appendix 1.

4.2 The proposals to revise the governance arrangements provide more certainty and structure to how projects on the Infrastructure List are being funded. It is requested that delegated authority be given to the Director Commercial, in consultation with the Leader of Council, to distribute CIL receipts in the following manner:

- 20% of all CIL receipts to the District Leisure Centre up to a maximum of £7,257,408,
- 10% of all CIL receipts to Littleport Schools up to a maximum of £3,834,509,
- 1% of all CIL receipts to Children's Centre (serving North Ely development) up to a maximum of £79,083,
- 10% of all CIL receipts to Health (serving North Ely development) up to a maximum of £1,813,786,
- 5% of all CIL receipts to Ely Country Park Expansion up to a maximum of £1,000,000,
- 15% (25% where a Neighbourhood Plan is made) as the Meaningful Proportion, and
- 2.5% administration (to be reviewed annually).

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

4.4 Members are recommended to approve the draft governance arrangements as set out in Appendix 2.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implication arising from this report.

5.2 EIA not required.

6.0 APPENDICIES

- 6.1 Appendix 1- Community Infrastructure Levy- Infrastructure List
Appendix 2- Draft Community Infrastructure Levy Governance Arrangements

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
CIL Governance Arrangements (website) CIL Regulations 2010 (as amended)	Room 105, The Grange, Ely	Emma Grima Director Commercial (01353) 616960 E-mail: emma.grima@eastcambs.gov.uk

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

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

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

COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE ARRANGEMENTS

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

Meaningful Proportion

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

Administration

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

Infrastructure

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

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

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

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

Process for requesting CIL contributions to be allocated to a project

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

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

The request should include the following information:

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

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

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

Meaningful Proportion

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

The remaining 85%

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

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

A portion, reflective of the nature of the development site, will be sought for administration of CIL. In accordance with the Regulations, the amount sought for

administration will be up to 5%. The amount allocated will depend on the monitoring requirements and the needs of infrastructure for the development.

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

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



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Agenda Item: 18

Cambridgeshire & Peterborough Combined Authority

Reports from Constituent Council Representatives on the Combined Authority

Member representatives

Meeting	Dates of Meeting	Representative
Overview and Scrutiny	29th July 2019	Councillors Lorna Dupré and Alan Sharp (Substitutes: Councillors Charlotte Cane and David Ambrose-Smith)
Combined Authority Board	31st July 2019	Councillor Anna Bailey (Substitute: Councillor Joshua Schumann)
Audit and Governance	19th July 2019	Councillor David Brown (Substitute: Councillor David Ambrose-Smith)

The above meetings have taken place in July 2019

Overview and Scrutiny Committee – Monday 29th July 2019

The Overview and Scrutiny Committee met on 29th July 2019, the decision summary is attached at **Appendix 1**.

Combined Authority Board – Wednesday 31st July 2019

The Combined Authority Board met on 31st July, the decision summary is attached at **Appendix 2**.

Audit and Governance Committee - Friday 19th July 2019

The Audit and Governance Committee met on 19th July, the decision summary is attached as **Appendix 3**.

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

Appendix 1



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

OVERVIEW AND SCRUTINY COMMITTEE - Decision Summary

Meeting: 29 July 2019

Agenda/Minutes: [Overview & Scrutiny Committee - 29th July 2019](#)

Chair: Cllr Lorna Dupre

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	Apologies	Apologies received from: Cllr Conboy, substituted by Cllr Humphrey Cllr Murphy
2.	Declaration of Interests	There were no declarations of interest.

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
3.	Minutes	The minutes of the meeting held on the 24 th June 2019 were agreed and signed by the Chair.
4.	Public Questions	There were no public questions received.
5.	Review of Combined Authority Agenda	<p>The Committee reviewed the agenda due to come to Board on Wednesday 31st July 2019.</p> <p>The Committee agreed to raise the following questions to the Board:</p> <p>1.7) <u>Business Board Allowances</u></p> <ul style="list-style-type: none"> a) Was there any reason for using the East Cambs IRP over any other panel from the other Constituent Councils? b) By providing the Business Board members with an allowance, will there be a domino effect or an expectation that other bodies and appointed commissioners will receive an allowance? c) How does the workload of the LEP members differ from that of the Business Board to warrant the post being remunerated? d) What responsibilities will the Vice-Chair have and what will be the frequency of their deputising responsibility? e) Why are the allowances being backdated? f) The role of 'Business Board member' has been advertised already which states, Board Members will be remunerated. Does this not pre-determine

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>the decision of the Board as they had yet to agree to the recommendation?</p> <p>g) What steps are being taken to exceed the government recommendations with regards to equality and representation on the Board – to include a greater percentage of women?</p> <p>h) Could the Business Board consider ‘rolling’ appointments to support continuity of the knowledge and expertise.</p> <p>2.1) <u>Budget Monitoring</u></p> <p>a) Appendix 2 of the Budget Monitoring report refers to ‘Passporting’. Can clarification be given on the meaning of this.</p> <p>3.1) <u>Affordable Housing Programme Scheme</u></p> <p>a) Can the Board explain the varying levels of grant between projects in the Affordable Housing Programme and the significant difference between cost per affordable unit under the revolving loan scheme.</p> <p>3.1.1) <u>£100m Affordable Housing Programme Scheme Approvals July 2019 - Werrington, Peterborough</u></p> <p>a) Can a definition or some clarity be given with regards to the term ‘affordable rent’</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p><u>a) Housing Development Company - Approval of Shareholder Agreement</u></p> <p>a) The Committee have some concerns that the power of Mayor over Housing Company will lack scrutiny and consider there to be a need for increased transparency.</p> <p>b) Will Scrutiny be able to have access to the exempt information (both reports and minutes) in order to properly scrutinise (e.g. of pay of CEO) especially in light of the number of Boards that are being set up at the Combined Authority.</p> <p><u>3.3) Cambridge Autonomous Metro - July 2019</u></p> <p>a) What lessons have been learned from previous boards in terms of recruitment and diversity and are these going to be applied to the Partnership Board and all other future Boards that are established?</p> <p>b) Will the CAM Partnership Board consult with stakeholders including residents and environmental groups?</p> <p>c) What is the level of confidence with regards to the financial viability of the Outline Business Case given the budget changes outlined in the report?</p> <p><u>3.4) A428 Black Cat to Caxton Gibbet Consultation response</u></p> <p>a) How will the CPCA work with Highways England to address the issues raised in the draft response to the consultation with regards to biodiversity?</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>3.6) <u>A Vision for Nature</u></p> <ul style="list-style-type: none"> a) How will the vision for nature be delivered in the decision-making process? b) Do the Board consider that there is a need for more conservation bodies to be involved and consulted with? c) What consideration has been given to Climate change and the effects of this is if they are to increase rich wildlife areas and promote better access to natural areas? d) What are the risks of GMO considering they do not compliment and counteract bio-diversity? e) What capacity does the CPCA have to deal properly with climate change?
6.	Combined Authority Forward Plan	The Committee confirmed that it was pleased that the publication of the Board Forward Plan had been amended to allow the Overview and Scrutiny Committee the opportunity to examine the document in a more manageable timeframe.
7.	Overview and Scrutiny Work Programme Report	<p>The Committee received the report which outlined the work programme for the committee for the municipal year 2019/20.</p> <p>The Committee noted that there would be a presentation from one of the joint Chief Executives at the next meeting on the Constitutional Review and an opportunity for a question and answer session.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
8.	Date of Next Meeting	The Committee agreed that the next meeting would be held on the 23 rd September 2019 at 11:00am, Kreis Viersen Room, Shire Hall, Cambridgeshire County Council.



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Appendix 2

CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY BOARD - Decision Summary

Meeting: 31 July 2019

Agenda/Minutes: [Cambridgeshire and Peterborough Combined Authority Board - 31st July 2019](#)

Item	Topic	Decision
	Part 1 – Governance Items	
1.1	Announcements, Apologies and Declarations of Interest	Apologies were received from Councillor C Boden (substituted by Councillor J French), Councillor L Herbert (substituted by Councillor M Sargeant) and Mr A Adams. No declarations of interest were made.
1.2	Minutes – 26th June 2019	The minutes of the meeting on 26th June 2019 were confirmed as an accurate record and signed by the Mayor.
1.3	Petitions	None received.
1.4	Public Questions	None received.

1.5	Forward Plan	It was resolved to note and comment on the Forward Plan.
1.6	Executive Committees – Change in Membership	<p>The Board reviewed the changes in membership on the Transport and Infrastructure, Housing and Communities, and Skills Committees.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the change of lead member on the Transport and Infrastructure Committee for Fenland District Council from Councillor Chris Boden to Councillor Chris Seaton and the substitute member to Councillor Chris Boden. b) Approve the substitute member on the Housing and Communities Committee for Fenland District Council from Councillor David Oliver to Councillor Sam Hoy. c) Approve the change of lead member on the Skills Committee for Huntingdonshire District Council from Councillor Graham Bull to Councillor Jon Neish. d) Note the substitute member on the Skills Committee for East Cambridgeshire District Council was Councillor Anna Bailey.
1.7	Business Board Allowances	<p>The Board was asked to decide if the Business Board should adopt a Member Allowance Scheme based on the recommendations made by the Independent Remuneration Panel.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Consider recommendations relating to the Business Board Scheme of Allowances from the Independent Remuneration Panel;

		<p>b) Approve the adoption of a Member Allowance Scheme for the Business Board as proposed, including members of the Business Board being eligible to claim mileage for travel to and from meetings of the Business Board;</p> <p>c) Approve the alternative levels of remuneration as set out under the proposed scheme within the Financial Implications section of this report; and</p> <p>e) Approve the backdating of the Member Allowance Scheme to 24 September 2018.</p>
	Part 2 – Finance	
2.1	Budget Monitor Update	<p>The Board received a report providing an update of the 2019/20 forecast outturn position against the Boards approved budget for the year.</p> <p>It was resolved to:</p> <p>a) Note the updated financial position of the Combined Authority for the year.</p> <p>b) Note the status of the audit of the 2018/19 statement of accounts</p>

	Part 3- Combined Authority Matters	
3.1.1	£100m Affordable Housing Programme - Scheme Approvals: July 2019 – Werrington, Peterborough	<p>The Board considered a report detailing one scheme for approval of grant funding in the context of the overall investment pipeline for the Combined Authority's £100m programme.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Commit grant funding of £3,845,600 from the £100m Affordable Housing Programme to deliver 88 new affordable homes at a site in Werrington, Peterborough.</p>
3.1.2	£100m Affordable Housing Programme - Scheme Approvals Crowland Road, Eye Green, Peterborough.	<p>The Board considered a report detailing one scheme for approval of grant funding in the context of the overall investment pipeline for the Combined Authority's £100m programme.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Commit grant funding of £875,000 from the £100m Affordable Housing Programme to deliver 25 new affordable homes at a site in Crowland Road, Eye Green, Peterborough.</p>
3.1.3	£100m Affordable Housing Programme - Scheme Approvals Drake Avenue, Peterborough	<p>The Board considered a report detailing one scheme for approval of grant funding in the context of the overall investment pipeline for the Combined Authority's £100m programme.</p> <p>It was resolved to:</p> <p style="padding-left: 40px;">Commit grant funding of £1,430,154 from the £100m Affordable Housing Programme to deliver 33 new affordable homes at a site in Drake Avenue, Peterborough.</p>

3.2	Housing Development Company – Approval of Shareholder Agreement	<p>The Board received a report requesting approval of the Shareholder agreement, Articles of Association and the composition of the Board of Directors for Angle Holdings Limited and Angle Developments Limited.</p> <p>It was resolved to:</p> <ul style="list-style-type: none">a) Approve the Shareholder Agreement as detailed in Appendix 1;b) Approve Angle Holding Limited Articles of Association as detailed in Appendix 2;c) Approve Angle Developments Limited Articles of Association as detailed in Appendix 3;d) Approve the composition of Angle Holdings Limited Board of Directors as set out in paragraph 2.6;e) Approve the composition of Angle Development Limited Board of Directors as set out in paragraph 2.8. <p>Furthermore, in order to implement a)-c), authorise and approve:</p> <ul style="list-style-type: none">f) The Chief Executive and the senior legal officer to complete the necessary legal documentation to implement the above; andg) The Monitoring Officer to amend the Constitution.
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3.3	Cambridge Autonomous Metro – July 2019	<p>The Board considered a report outlining the proposed approach to the governance, funding and client side delivery arrangement for overseeing the production of the Outline Business Case (OBC) for the CAM Metro.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the increased allocation of £780,000 in 19/20 and £965,000 in 20/21 for the CAM OBC to be funded from the Feasibility studies non-capital budgets including re-profiling from 20/21 to 19/20 b) Note the establishment of a Partnership Board with the terms of reference set out at Appendix A c) Note the proposed client-side project management structure
3.4	A428 Black Cat to Caxton Gibbet Consultation Response	<p>The Board was provided with a report requesting approval on the proposed response to the A428 Black Cat to Caxton Gibbet consultation.</p> <p>It was resolved to approve the proposed consultation response attached at Appendix A, subject to the revisions requested by Board members.</p>
3.5	St Neots Masterplan – Phase 1 Delivery	<p>The Board was provided with a report seeking approval to allocate £403k of revenue from Non-Transport Feasibility Programme line to deliver the Combined Authority funding commitments.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the allocation of £403k from the non-transport feasibility budget within the Medium-Term Financial Plan to meet programme commitments as part of the £4.1m package of Combined Authority funding approved by the Board in June 2018 to deliver the first phase of the St Neots Masterplan for Growth.

		<p>b) Approve the re-profiling of the capital expenditure in the Medium Term Financial Plan (MTFP) to match the updated forecast from the delivery partner.</p>
3.6	A Vision for Nature	<p>The Board received a report providing information on the 'Vision for Nature'..</p> <p>It was resolved to endorse the Vision for Nature.</p>
	By Recommendation to the Combined Authority	
	Part 4 – Business Board Recommendations to the Combined Authority	
4.1	Growth Deal Project Proposals July 2019 – Local Growth Fund Programme Update.	<p>The Board received a report requesting that it consider and approve the following Business Board recommendations.</p> <p>It was resolved to:</p> <p>a) Approve the submission of the Growth Deal monitoring report to Government to end Q1 2019/20.</p> <p>b) Approve the proposed creation of a Capital Growth Grant scheme for small businesses using Local Growth Fund (LGF) and approve a £3m pilot programme and for Officers to run a procurement for a provider to deliver the pilot programme.</p>

4.2	Review of Business Board Constitution	<p>The Board received a report requesting that it approve the following amendments to the Business Board Constitution.</p> <p>It was resolved by a two thirds majority to:</p> <ul style="list-style-type: none"> a) Approve the amendments to the Constitution set out in Appendix 1 and the additional revisions requested during the meeting. b) Authorise the Monitoring Officer to make any consequential changes to the Combined Authority Constitution.
4.3	Alconbury Enterprise Zone Memorandum of Understanding and Enterprise Zone Programme Governance	<p>The Board received a report requesting that it approve the following recommendations.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Approve the Alconbury Enterprise Zone Memorandum of Understanding between CPCA and Huntingdonshire District Council, subject to the removal of the following words at the end of paragraph 6.1.2 “including towards meeting the community and infrastructure demands of the Alconbury Weald development” and to instruct the Director of Business and Skills to negotiate with Huntingdonshire District Council and the Interim Chair of the Business Board to remove the wording; and b) Approval to adopt the proposed Enterprise Zone Programme Terms of Reference and associated governance.

	Part 5 – Skills Committee recommendations to the Combined Authority Board	
5.1	University of Peterborough – Transitional Funding	<p>The Board considered a report requesting approval for transitional funding of University Centre Peterborough (UCP) to continue working on the project until the bidding process begins on 1st August 2019.</p> <p>It was resolved to:</p> <ul style="list-style-type: none"> a) Note the findings of the request from University Centre Peterborough to continue to fund the activity for the University of Peterborough up until the 1st August 2019. b) Approve the release of £148,304 from the Skills Strategy Implementation budget for 2019/20 to support University Centre Peterborough through the transitional phase.
	Part 6 - Date of next meeting	
6.1		Wednesday 25th September 2019: Kreis Viersen Room, Shire Hall, Cambridge, CB3 0AP.

Appendix 3



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

AUDIT & GOVERNANCE COMMITTEE - Decision Summary

Meeting: 19 July 2019

Agenda/Minutes: [Audit & Governance Committee: 19th July 2019](#)

Chair: John Pye (Chair and Independent Person)

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	Apologies for Absence	Apologies were received from Councillor Lillis - substituted by Councillor Sandford.
2	Declarations of Interest	Councillor Davey declared a personal, non-pecuniary interest as his wife was an Assistant Director at Peterborough City Council and Cambridgeshire County Council in Housing matters.

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
3.	Minutes of the meeting held on the 31 st May 2019	The minutes of the meeting held on the 31 st May 2019 were agreed and signed by the Chair with an adjustment to the spelling of the word East, which in the minutes read 'Eats'
	Chair's Announcements	<p>The Chair asked the Committee if it was content with the start time of 10am for the current cycle of Committees and if it was happy to hold the meetings on a rotational basis around the Constituent Councils.</p> <p>Members agreed that they wished to continue as it currently operates.</p> <p>The Chair asked John Hill to clarify the positions of the joint Chief Executive Officers.</p> <p>John Hill explained that he was the joint CEO for the Combined Authority, together with Kim Sawyer, and for East Cambs District Council and noted that whilst it was unusual for there to be a joint CEO position, it was not unique and noted that it enabled the CEOs flexibility should they have a conflict of interest. He further noted that there was emphasis on continuity and permanency for both staff and Councillors and stated that he would circulate information to members to provide them with clarity on each area that their respective roles covered.</p>
4.	CPCA A&GC – Value for Money 19 July 2019	The S73 officer elaborated on a report informing the Committee on the Authority's approach to delivering value for money (vfm). It was explained that in the 2018/19 audit plan, the external auditors stated their requirement to consider whether the Authority had put in place proper arrangements to secure economy, efficiency and effectiveness on its use of resources, which was known as the auditor's 'value for money'. This report was intended to show how the Combined Authority delivers value for money in practice. The S73 officer referred to 2 key documents used to ensure vfm - the Assurance Framework and the Monitoring and Evaluation Framework.

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>It was explained that for new projects/programmes, the detailed consideration of whether vfm was represented through the development of a Project Initiation Document (PID).</p> <p>In response to questions asked, the Chief Finance Officer explained that the monitoring and evaluation process was clearly set out in the monitoring and evaluation framework. He further informed the Committee that every project embarked on by the Combined Authority, was subject to senior officer scrutiny. Subsequently, officers would provide the Board with updates and forecasts and that any potential overspend would be highlighted and any additional spend having to be agreed by the Board.</p> <p>The Committee discussed the following:</p> <ul style="list-style-type: none"> a) Has the VfM criteria changed and how do the Combined Authority define Vfm to the public? b) What stakeholder involvement is there and what information is the available on the Return of Investments (RoI)? c) What methodology is being followed with regards to Project Initiation Documents (PIDs) and are Rols and vfm statements produced? d) Have there been any gateway reviews carried out to provide opportunities to explore lessons learned? e) Could a completed project be scrutinised to examine the vfm and retrospective monitoring of the project be subject to a case study?

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
		<p>f) If a scheme is approved but costs significantly increase, how will this be dealt with, specifically if it becomes necessary to abandon it?</p> <p>The Chief Executive suggested that he produce a timeline of the implementation of a significant project carried out by the Combined Authority to include key priorities and report back to a future Audit and Governance Committee with a proposed case study and time line.</p> <p>RESOLVED:</p> <p>That the Committee noted the Combined Authority's approach to delivering value for money.</p>
5.	Annual Audit Internal Opinion	<p>The Internal Auditor elaborated on a report which provided details of the performance of internal Audit during 2018-19 and the areas of work undertaken which included an opinion of the soundness of the control environment in place to minimise risk to the Combined Authority.</p> <p>It was explained that the areas covered as part of the internal audit included Corporate Governance, Local Enterprise Partnership Governance and a significant piece of work undertaken was the auditing of the Adult Education Budget (AEB), following further devolution of central government services to the Combined Authority.</p> <p>The Internal Auditor stated that they had looked at how the loan of £6.5m to East Cambridgeshire Trading Company had been made and an update report would be provided at the next Audit and Governance meeting.</p> <p>The Internal Auditor explained that the Public Sector Internal Audit Standards (PSIAS) stated that the Chief Audit Executive should report any issues considered particularly relevant to the preparation of the Annual Governance</p>

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
		<p>Statement which included consideration of any significant risk of governance issues and control failures which arise. The internal auditors were unable to provide any assurance on Human Resources (Recruitment and Selection). It was reported that despite changes to the senior structure of the Combined Authority, delays in responding to questions asked by the Internal Auditors had been experienced but that this had now been resolved.</p> <p>RESOLVED:</p> <p>That the Audit and Governance Committee considered and endorsed the Annual Report and Opinion from Internal Audit for the year ended 31st March 2019.</p>
6 & 8	Statement of Accounts & EY Audit of Accounts 2019	<p>The Head of Finance elaborated on his report and explained that the draft Statement of Accounts had been presented to the Audit and Governance Committee on the 31st May 2019 and published on the Combined Authority's website. It was noted that the accounts had since been subject to external audit and it had been anticipated that the accounts would have been audited by Ernst and Young but this had not been completed due to resource issues experienced by Ernst and Young, which remained in progress.</p> <p>Members' attention was drawn to additional recommendations that had been tabled before them.</p> <p>The External Auditor apologised to the Committee and to the Combined Authority for having failed to complete their audit. It was explained that the failure was largely due to resource issues and previously it was anticipated to be completed but they had been unable to deliver the audit.</p> <p>Members of the Committee voiced their concerns and raised the following issues:</p>

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
		<ul style="list-style-type: none"> • That as a result of the delay by Ernst and Young, the Combined Authority may be perceived poorly, despite them being absolved of any responsibility for the delay. • There may be political implications of the delay to the accounts being fully audited and the failure to deliver by EY also posed governance issues and concerns. • Should consideration be given to exploring alternative external auditors for future audits as several constituent councils were in a similar position due to the failure to deliver by Ernst and Young and what were the financial implications to the Combined Authority. • It was explained that the external auditors were very close to finishing their audit and that they would provide a robust and sound audit. The External Auditor continued to report that there were other Public Sector Audit Appointments auditors who were experiencing similar issues to Ernst and Young and that they wanted to continue to work with the Combined Authority in order to produce a good quality audit. <p>RESOLVED:</p> <ol style="list-style-type: none"> 1) That the Chief Executive circulate the draft statutory notice to the members of the Audit and Governance Committee prior to publication. 2) That the Chief Executive liaise with all affected constituent Councils and send a letter to government expressing their dissatisfaction with the auditors performance and the impacts this has had on each Council.

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
		<p>3) That the Chair of the Audit and Governance Committee write to the Partner leading the Ernst and Young Government and Public Sector Assurance team expressing the Committee extreme disappointment.</p> <p>4) That the Committee receive and approve, in principle, the final Statement of Accounts.</p> <p>5) That the Committee agree to the additional recommendations tabled as below:</p> <p>a) Note that the Combined Authority's external auditors are not able to guarantee that they will have completed their audit of the accounts for 2018/19 before the statutory deadline of 31 July 2019 for the publication of the statement of accounts together with any certificate or opinion from the external auditors.</p> <p>b) Note that if it was not possible to publish the statement of accounts on time the law required the Combined Authority to publish as soon as reasonably practicable on or after the deadline a notice stating that it had not been able to publish the statement of accounts and its reasons for this.</p> <p>c) Authorise the Chief Finance Officer in consultation with the Chair of Audit and Governance Committee, as and when the final Audit Opinion was provided by the external auditors, to make any minor amendments to the statement of accounts arising from the final Audit Opinion and to authorise the Chief Finance Officer and Chair of Audit and Governance to then sign and publish the statement of accounts together with any certificate or opinion from the external auditors.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>d) In the event that amendments arising from the final Audit Opinion would constitute a “material adjustment” to the final accounts as defined in the external auditors final audit plan a further report is to be brought to Committee.</p> <p>6) That the Committee receive and approve the Annual Governance Statement 2018/19 as included within the statement of accounts.</p>
7.	Draft Annual Report of the Chair of Audit and Governance Committee 2018/19 & Self-Assessment	<p>The Chair submitted his report and elaborated thereon noting that the report demonstrated the work carried out by the Committee over the municipal year 2018/19 for the Committee to approve to the Combined Authority Board. Members agreed that any information included in the report relating to the 31st May 2019 Audit and Governance Committee be expunged from the report.</p> <p>RESOLVED:</p> <p>That the draft Annual Report of the Chair of Audit and Governance Committee be submitted to the Combined Authority Board with the above amendment</p>
9.	HR Update	<p>The Chair of the Committee stated that at a previous meeting of the Audit and Governance Committee meeting, the Combined Authority’s Internal Auditors had given Human Resources a ‘no assurance’ status. Having identified this risk, the HR Manager had been invited to update members of the Committee on progress made.</p> <p>The HR Manager reported that an HR advisor had recently been recruited and it was noted that the HR Manager reported directly to the Chief Executive which demonstrated the level of commitment of the Combined Authority to address the issues experienced in relation to HR functions.</p>

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
		<p>It was noted that policies and procedures that had previously not been visible had been placed in a central area and that there had been an amalgamation of information from the LEP and Peterborough City Council. The HR Manager explained that there had been a significant recruitment drive which had seen 17 of the 30 vacant posts recruited to.</p> <p>The Chair commented that he was encouraged to see the progress that had been made and the Committee welcomed a key objective being the introduction of a forum that would focus on employee engagement and satisfaction. The Chief Executive explained that whilst there were a number of Interims in post, the senior management structure was now in place and a permanent Head of Transport had been recruited.</p> <p>RESOLVED:</p> <p>That the Committee noted the updated information provided by the HR Manager.</p>
10.	CPCA & A&GC Treasury Management Report	<p>The Head of Finance elaborated on a report and noted that the Treasury Management in the Public Services: Code of Practice 2011 recommended that Members receive regular reports on the Authority's Treasury Manager. It was reported that the Combined Authority had been through a procurement exercise to employ its own specialist Treasury Management advisors; a preferred supplier having been identified, soon to engage into contract with the Authority.</p> <p>RESOLVED:</p> <p>That the Committee reviewed the actual performance for the year to 31st March 2019, against the adopted prudential and treasury indicators.</p>

Item	Topic	Decision [<i>None of the decisions below are key decisions</i>]
11.	Work Programme Cover Report	<p>The Committee received a report and the draft Work Programme and calendar of working programme items for the year.</p> <p>The Committee agreed to the following actions:</p> <ul style="list-style-type: none"> a) The Chief Executive to produce a timeline of the implementation of a significant project carried out by the Combined Authority to include key priorities with a proposed case study and time line. b) The Chief Executive to draft a statement, outlining the position of the Combined Authority's 2018/19 external audit including details of the delays incurred through the failures of Ernst & Young. c) The Chief Executive to liaise with all affected constituent Councils and send a letter to government expressing their dissatisfaction with the external auditors d) The Chair to write to the Partner leading the Ernst and Young Government and Public Sector Assurance team expressing the Committees extreme disappointment e) The Chief Officer of the Business Board to provide an update on the priorities and objectives of the Business Board. <p>An Annual Report on Performance, FOIs, Fraud, Whistleblowing and Complaints to be produced for review.</p>
12.	Date of Next Meeting	<p>The Committee agreed that the next meeting be held on the 27th September 2019 at Cambridgeshire County Council.</p>

ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY

Committee: Council

Date: 17 October 2019

Author: John Hill, Chief Executive

[U98]

1.0 **ISSUE**

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

2.0 **RECOMMENDATION**

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

3.0 **BACKGROUND**

(a) Independent Remuneration Panel

3.1 The IRP is currently considering recommendations to be submitted to full Council in October in relation to the remuneration of the Leader and Deputy Leader of Council (ref: Council, 21 February 2019, Agenda Item 12) and a request from the Combined Authority (CA) for Constituent Authorities to consider the payment of allowances to their representatives on the Combined Authority, as the CA is excluded by law from paying such allowances.

3.2 There was an opportunity for the IRP to extend its terms of reference to review the Members Allowance Scheme in the light of changes to the Committee structure and make recommendations to the October Council. This decision on grounds of urgency enabled the terms of reference of the current IRP to be extended to coincide with their review already instigated by Council. This has enabled the IRP to produce proposals for the October Council rather than reconvening the Panel in 2020 as required by statute.

(b) Independent Persons

3.3 Following the resignation of the Independent Person appointed at the Annual Council meeting, the Council had no Independent Person in office to deal with a number of complaints received under the Members Code of Conduct. Therefore, on the recommendation of the Monitoring Officer, the Chief Executive has appointed Gillian Holmes and Stuart Webster as the two Independent Persons for this Authority to enable the complaints to be dealt with in accordance with the requirements of the Localism Act 2011.

3.4 In accordance with Part 3(4) paragraph 4.1, of the Constitution, the Chief Executive consulted the Leader of Council prior to the delegated decisions. The

Chairman of Council and the Leader of the Liberal Democrat Group was subsequently notified of the delegated action taken.

3.5 In accordance with paragraph 4.1 of the Constitution, the urgent actions are being reported to Council for information.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 There are no additional financial implications.

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

5.0 APPENDICES

None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
East Cambridgeshire District Council Constitution: Part 3, Page 4, Paragraph 4.1 Urgent Action Memos dated: 30 July and 28 August 2019	Room 103 The Grange Ely	John Hill Chief Executive (01353) 665555 john.hill@eastcambs.gov.uk



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Agenda Item

Minutes of the Meeting of East Cambridgeshire
District Council held in the Council Chamber,
The Grange, Nutholt Lane, Ely on Thursday
17 October 2019 at 6.00pm

P R E S E N T

Councillor Christine Ambrose-Smith	Councillor Bill Hunt
Councillor David Ambrose-Smith	Councillor Mark Inskip
Councillor Anna Bailey	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

35. **PUBLIC QUESTION TIME**

A statement was read out by Mr Rod Hart:

“The science is clear and incontrovertible. We have entered the six mass extinction event in our planet Earth’s 4.5 billion year history, one of those extinction events, the one that killed the dinosaurs, is likely to have been caused by an asteroid strike but the other four were caused by excessively high levels of carbon dioxide in the atmosphere, today levels of atmospheric carbon dioxide are far higher than they were in any of the four previous extinction events.

Carbon dioxide is one of the main greenhouse gases released by burning of fossil fuels, such as coal, oil and gas, and has increased from 280ppm to 415ppm (almost 70%) since the start of the Industrial Revolution.

The increase in atmospheric greenhouse gas makes the planet overheat, we are already at 1.1°C above pre-industrial temperatures and this is what’s causing the current Climate Collapse and Ecosystem Destruction that we are all witnessing daily. The United Nations scientific body called Intergovernmental Panel on Climate Change, IPCC for short, in its 2018 Special Report SR15 very clearly stated that unless we limit global temperature increase to below 1.5°C it is likely that Planetary feedback loops will take over and we humans will then be unable to prevent runaway Climate Collapse and Ecosystem Destruction, with subsequent societal breakdown and human extinction.

The IPCC was also very clear on how long we have left to take the radical and urgent action required to prevent Runaway Climate Collapse – 10 to 12 years – that was 2018 so we now have only 9 to 11 years remaining.

We are all culpable in this wholesale planetary destruction so we all have immense life-altering changes to make. We citizens look to government at all levels to lead on this and to give us clear and immediate guidance and direction, the first part of this is

to Tell the Truth about how desperate the situation really is by Declaring a Climate and Ecological Emergency the second part is to Act as if The Truth is real by taking swift and radical action to reduce greenhouse gas emissions to net zero by 2030, preferably sooner.

I'm not here talking to you tonight just because I understand climate science or because I know what needs to be done about it, but because I'm a grandparent and I don't want my grandchildren to grow up hating me and because I know with absolute certainty that unless we change course, my grandchildren will not die of natural causes and may well not live to be my age.

You councillors have the opportunity tonight to be brave and bold, to take on an immensely difficult challenge but to do the only thing that is right, support the motion to declare a Climate and Ecological Emergency."

The Director Operations reminded Members that there were two motions on the agenda relating to the subject referred to by Mr Hart and his comments could be considered during the discussions on those motions.

Mrs Susan Bussell was invited to speak and made the following points:

- She grew up with nature and considered the ocean and trees as friends, so nature was part of her childhood.
- People needed to look to the future for the children.
- She was standing up and speaking up for those children.
- She had attended an event at St Johns College and could not believe what the experts revealed was happening.
- Another event in Ely Cathedral had given a chilling future prospect if carbon emissions were not reduced.
- The science was now on the public record.
- Everyone had to change their way of life for everybody's future.
- People are already seeing and feeling the effects of climate change with higher temperatures, dry meadows, rain downpours and droughts.
- The Council was urged to agree to declare a climate emergency to help reduce carbon dioxide emissions.
- Making that declaration would be the building block to starting the urgent measures needed.
- The Council was therefore urged to vote for the declaration and taking urgent measures.

The Chairman reiterated the previous reply made by the Director Operations.

36. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Sue Austen.

37. **DECLARATIONS OF INTEREST**

No declarations of interests were received.

38. **MINUTES**

The following amendment was proposed and accepted relating to page 6 of the minutes in that the reference to Councillor Christine Whelan should be amended to read Councillor Alison Whelan.

It was resolved:

That the Minutes of the Council meeting held on 18 July 2019, as amended, be confirmed as a correct record and be signed by the Chairman.

39. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Since receiving the honour to be elected as Chair in May, I have been undertaking research and training on its role and responsibilities. As you are aware, the Chair represents the Council as a whole in all civic and ceremonial matters and presides over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- As you may be aware, the Chair and Deputy Chair receive many invitations from within the District but also outside. We have decided that we will attend civic and ceremonial functions primarily within the District to support the activities of parishes and the community. We will, of course, attend the out of District functions which we determine are appropriate and which link to our Corporate Objectives and promote the Council and the District. I would welcome the opportunity to receive invitations to visit the Parishes for events should they wish me to do so.
- To support the latter, I will be compiling with the Communications team a newsletter which will go to Parishes and community organisations every 2 months not only to provide a showcase of the work of the Council but also to promote our excellent staff who undertake service on behalf of residents. We want to actively promote a greater collaboration with our parishes and will also be delighted to showcase their successes. I am sure Councillors will be delighted to make contributions for the Ward areas that can be considered for inclusion. We will keep you informed of dates.

Councillor Dan Schumann joined the meeting at this point.

40. **PETITIONS**

Mr Kim Ashton presented a petition that:

Called on East Cambridgeshire District Council to:

1. Declare a Climate Emergency;
2. Pledge to make ECDC together with its wholly-owned companies and contractors carbon neutral by 2030 and pledge to divest Council investments, including pensions, from fossil fuels;
3. Call on the Government to provide powers, resources and technical support to make the 2030 target possible;
4. Work with local stakeholders to deliver a strategy in line with the target of net zero emissions by 2030, via a Council Working Group and a Citizen's Assembly. These should involve participation from as wide a range of residents, young people, businesses and other relevant parties as possible and should report within 6 months, or at least in time for their recommendations to be funded in the next Budget cycle.

Why is this Important?

We are facing an unprecedented climate and ecological catastrophe. Leading scientists from the IPCC have warned that if we carry on our business as usual and don't take emergency action on Climate Change, we face the gravest threats to our global environment. This includes worsening risks of drought, floods, extreme heat and poverty

for hundreds of millions of people. Extreme weather events are already being seen, even in East Cambs which experienced severe drought last year. More recently, during a heatwave in July 2019 which saw temperatures across Europe, the highest temperature ever recorded in the UK was reached in Cambridge.

In the light of this urgent situation, at least 230 Councils in the UK have already declared a Climate Emergency, while cities including Exeter, Bristol and Edinburgh have set themselves ambitious targets of carbon neutrality by 2030.

Mr Kim Ashton then made the following points:

- The world was facing an emergency.
- The scientific evidence was clear.
- All over the world people were asking their governments to tackle climate change and over half of local authorities had declared an emergency.
- Climate change was happening.
- East Anglia was on the frontline with low lying land, high rainfall and much of the fens would be under water due to rising sea levels.
- Much more action was needed as a matter of urgency.
- This was a critical moment and it offered enormous opportunities to mitigate the effects of climate change.
- If nothing was done there would be major problems such as food shortages and mass migration with civilisation at stake.
- Action was needed at all levels so the Council should seize this opportunity to act accordingly.

41. **MOTIONS**

Encouraging Inclusivity

This Motion was withdrawn by the mover of the motion with the consent of her seconder in accordance with Council Procedure Rule 12.7.

Climate Emergency

Councillor Mark Inskip proposed, seconded by Councillor Charlotte Cane, the following Motion:

Council notes:

that the impacts of climate breakdown are already causing serious damage around the world.

that the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector;

that East Cambridgeshire is at significant risk from climate change by both drought from reduced rainfall and flooding from rising sea levels, with the Environment Agency reporting that the river flow on the Ely Ouse is 'notably low', and reports suggesting that a 1.5° rise in temperature would see most of East Cambs under salt water with Ely becoming an island and the fen edge villages becoming coastal villages;

that East Cambridgeshire is a major contributor to Greenhouse gas emissions from allowing our peat to dry out releasing CO2 into the atmosphere, burning oil and bottled gas for heating and frequently using cars due to inadequate public transport or provision for cyclists and pedestrians;

that all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies;

that strong policies to cut emissions also have associated health, wellbeing and economic benefits;

and that, recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions.

Council therefore commits to:

- Declare a 'Climate Emergency' that requires urgent action.
- Make the Council, and its trading subsidiaries' activities net-zero carbon by 2030
- Achieve 100% clean energy across the Council and its trading subsidiaries' full range of functions by 2030
- Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2030.
- Support and work with all other relevant agencies towards making the entire area zero carbon within the same timescale;
- Ensure that political and chief officer leadership teams and trading subsidiaries' Directors embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's activities, ensuring that any recommendations are fully costed and that committees and full Council review council activities taking account of production and consumption emissions and set up a joint members and officers working group to produce an action plan within 12 months, together with budget actions and a measured baseline;
- Ensure that Council considers the impact of climate change and the environment when reviewing Council policies and strategies;
- Work with, influence and inspire partners across the district, county and region to help deliver this goal through all relevant strategies, plans and shared resources;
- Council to take steps to proactively include young people in the process, ensuring that they have a voice in shaping the future;
- Establish an East Cambridgeshire Climate Change Partnership, involving councillors, residents, young people below voting age, academics and other relevant parties, to prioritise carbon reduction measures, identify related benefits to employment, health, agricultural and transport sectors and develop a strategy in line with the 'net-zero carbon by 2030' target;
- Require East Cambs Trading Limited to investigate ways to build zero carbon homes in East Cambridgeshire and report to Council within 12 months on the proposed ways forward with a view to building zero carbon homes by 2022 at the latest;
- Require East Cambs Street Scene Limited to work with Council officers to develop a capital assets replacement and refurbishment programme and review work processes to report to Council within 12 months on proposed ways forward to become a zero-carbon operation;

- Ensure that all reports in preparation for the 2020/21 and future budget cycles and investment strategies will take into account the actions the council will take to address this emergency;
- Ask officers to investigate the most appropriate training for members and officers about how to promote carbon neutral policies for future consideration by Council;
- Write to the Secretary of State to request that Government provides the powers, resources and help with funding to make this possible, and ask local MPs to do likewise;
- Consider other actions that could be implemented, including (but not restricted to): renewable energy generation and storage, providing electric vehicle infrastructure and encouraging alternatives to private car use, increasing the efficiency of buildings, in particular to address fuel poverty; proactively using local planning powers to accelerate the delivery of net carbon new developments and communities, coordinating a series of information and training events to raise awareness and share good practice.

It was stated that the world would be in a very sorry state in about 200 years' time if nothing was done about climate change, which endangered the very survival of life. A document from 1990 had highlighted the issues, so this issue was not new, but that document had been neglected. People had since undertaken recycling and other like measures but these would not address the problems.

Decades of small steps had been taken but a recent shocking statement indicated that even a small 1.5° increase in global temperatures would lead to increasing risks, including food shortages and lessening of water supplies. Crop yields would fall, livestock put at risk and diseases would increase. A 2° increase would result in 1.7 million people suffering extreme temperatures, sea levels would rise and millions of people would be adversely impacted. 90% of coral reefs had been lost, fisheries were down and ecosystems were facing life threatening problems. East Cambridgeshire itself would be under salt water but conversely draughts would increase as weather patterns changed. These problems had to be taken seriously and rapid changes had to be made.

A climate emergency had to be declared and serious action had to be undertaken by 2030 to tackle the problems.

In support of the motion, some Members acknowledged that it would not be easy and be challenging to achieve the targets set. Although the Council only covered a small part of the county the targets could be achieved. It was now time to start doing things to tackle the problems. There may be some failure in some details but an effort had to be made. A consensus could be reached to save the district from disaster. So the motion was worth supporting.

Warm words meant nothing if there was a refusal to do anything to deal with the relevant matters. It would not be too expensive to save the district and other local authorities across the country were taking action, so it was possible to cut carbon emissions.

The Council needed to continue to recycle as much as it could but much more was needed, as shown by the ambition within the motion. For example, the proposal relating to bin lorries asked for a review of the work processes, to be reported back, to see if improvements could be made. The Council had to take some responsibility for our generation and the generations that followed, as this was critical. The Council had to talk to its communities and work in partnership on the problems, supported by Government funding.

The motion before the Council suggested things that could be difficult to achieve and could fail but the Council had to aim high for the best target. Responsibility had to be accepted to try harder which would lead to success in some things.

Wicken Fen had developed knowledge and techniques on how peat fens could be restored, so their knowledge should be spread around the district to increase that restoration. The creation of a partnership to bring ideas in was needed, as everybody had to be involved. If these actions were not got right then the planet would very quickly change and cause issues for people and biodiversity. The Government should be asked to deliver on its commitments and should spend its money on climate change measures. The motion was full of sensible plans and should be supported.

The crucial point was to declare an emergency and then take appropriate action. The Council prided itself on a 'can do' attitude so should agree to the motion. Complains about technology being currently unavailable would be addressed as, if there was a demand for it, it would be developed. The Council was not currently doing enough and setting a target of 2030, which was not radical, would help achieve significant progress.

In opposing the motion, it was countered that the motion was short on action and so would be undeliverable. The motion was only to make headlines and was set up for failure. Instead, other agencies should be supported to make them zero carbon, for example the County Council had obtained support for its woodland and peat restoration project. Zero carbon emissions were needed by 2050, which would be hugely challenging. A suggested 2030 target would be impossible to achieve and would undermine the credibility and commitments that could be made on the climate agenda.

The Government's forthcoming Environmental Bill would bolster local leadership, by giving new powers and provide Government funding to make climate change actions a reality. All parties cared about this issue and it was hoped cross-party agreement could help take this forward.

The Council was reminded that three years previously, enquiries had been made about battery operated refuse lorries, as some trials had been held in some cities. The cost of such vehicles was prohibitive and a staggering amount could be spent on refurbishing the fleet. Until the Council could guarantee a suitable price, it should not make empty promises.

There should be no playing down of the small measures already being taken, as everybody had a duty to everything they could to help tackle the issue. Any agreed action had to be properly thought through by asking what could be done and whether it was realistically achievable. One of the proposals in the motion could not be achieved, as the technology for it was not in place. It was also unfair to suggest that the Council was not doing anything, but workable schemes were needed to make progress.

Whilst acknowledging that all the Council cared about the environment and how urgent the issue was, there was a worry that the motion was being unrealistic. The Council had to agree with actions that were workable and effective, which this motion was not.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The motion was therefore declared to be lost.

Climate Change

Councillor Anna Bailey acknowledged, in recognition of the public support, that a Climate Emergency should be declared and therefore proposed, seconded by Councillor Josh Schumann, the following:

The current generation has a duty to protect and improve the health of our planet for those that follow.

The world is facing unprecedented challenges in population growth, climate change, pollution and ever increasing and competing demands on its land and natural resources. By 2050 the world population is expected to rise from its current level of 7.7 billion to 9.2 billion. There is global consensus that climate change poses significant risk to the health of the planet and its ability to sustain life.

Local Authorities have a responsibility, both in their own activities and those undertaken with partners, as well as in the influence they can bring to bear to reduce the adverse effects of their populations on the planet.

Cambridgeshire and East Cambridgeshire are growing areas; increasing populations result in increasing need for businesses, houses, health, retail and leisure outlets, transport and other supporting infrastructure, all of which lead to adverse impacts on the environment. With growth comes a responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible.

This Council thanks residents for calling for action and acknowledges that it has a significant role to play in protecting and improving the environment for future generations.

Council notes the positive actions it is already undertaking:

- A District wide review of bus services to inform a detailed plan, which aims to increase the number and frequency of services, to be presented to the Combined Authority in its county wide bus review
- Development of an East Cambs Strategic Cycle/Footpath Network, identifying gaps in the current network, and seeking funding opportunities to improve the network over time
- Thanks to our residents, achievement of one of the highest recycling rates in the country, leading to a new target of 65%; we stand ready to make further improvements in line with the Government's emerging Resources and Waste Strategy
- Through planning policy we favour sustainable development, we secure energy and sustainability measures on all developments of 5 dwellings or more and we seek BREEAM 'very good' build standard on non-domestic developments greater than 1000m²
- We seek to secure landscaping and tree planting in new developments

- Our Tree Strategy and Conservation Area policies are helping to protect and improve the tree stock across the District
- We work with wildlife groups to increase habitat and biodiversity
- We have established wildflower habitats on some of our own open spaces
- Our Purge on Plastics campaign and action plan is helping to reduce the Council's use of single use plastics and to encourage others across the district to do the same
- Ely Markets' Bring your Own Campaign is helping to raise awareness and reduce the use of single use plastic by market traders and customers
- We are signed up to and supporting the Doubling Nature campaign and the Local Nature Partnership
- Our free energy advice service helps residents improve the energy efficiency of their homes
- Participation in the Energy Company Obligation Flexible Eligibility Scheme is helping to reduce carbon emissions and tackle fuel poverty
- Together with Cambridgeshire County Council we are developing an Innovate UK bid to design an energy system to deliver net zero carbon emissions from energy use in East Cambridgeshire by 2050; the project focuses on shifting transport, gas and oil use to electricity and to grow the electricity network to cater for the change
- We are working with Swaffham Prior Community Land Trust and Cambridgeshire County Council to secure funding for the low carbon Swaffham Prior Community Heat Scheme
- Kennett Community Land Trust has been designed using Garden Village principles
- We are building new homes at Haddenham Community Land Trust to high energy efficient standards
- 2 rapid electric vehicle charging points were installed at The Hive car park
- At end of life all lightbulbs on Council premises are replaced with LED lightbulbs
- Grant applications to the Council are asked to explain what steps are being taken to make a project environmentally sustainable

Council recognises the need to build on this positive work, to further embed positive environmental thinking, behaviours, and action throughout our organisation and to seek to influence partners and others to do the same.

Council therefore resolves to:

- Note the positive actions and work that have already been completed or begun
- Declare a Climate Emergency that needs urgent action.
- Commit to the following actions, to begin immediately:
 - Launch and publicise an online 'Ideas Forum' for residents to submit their ideas for consideration on how the Council can tackle climate change
 - Develop a Supplementary Planning Document for the Natural Environment
 - Conduct a review of the management, use of pesticides and the grass cutting schedule of our own open spaces and develop a Parks and Open Spaces Eco Plan to reduce adverse environmental impacts and increase biodiversity
 - Request East Cambs Trading Company to consider if and how the Parks and Open Spaces Eco Plan can be applied to customers of the Company
 - Promote tree schemes by the Woodland Trust and other organisations to encourage tree planting throughout the District
- Assess the feasibility and capability of new carbon emission free vehicles available on the market when any Council owned vehicle comes to the end of its life,

- alongside consideration of the required investment in infrastructure to charge and maintain a carbon emission free fleet
- Task the Operational Services Committee to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution and protect and enhance biodiversity and present to Committee within 6 months; as part of this work, Committee will explore and consider the following, which is not an exhaustive list:
 - Measures in conjunction with the Combined Authority
 - Measures in conjunction with Cambridgeshire County Council
 - Measures in conjunction with other organisations and customers
 - Measures required and feasibility of reaching net zero carbon emissions by the Council by 2050
 - Pre-application Planning fee incentives/discounts for schemes using eco-friendly building methods and heating and cooling systems and green energy schemes
 - Incentives/discounts on taxi license fees for ultra-low and zero emission vehicles at renewal
 - Installing more electric charging points in Council owned car parks
 - Installing additional water refill stations on Council premises
 - Communications Plan, including:
 - Changing the culture of the Council to one of 'Think Zero'
 - Promotion of the online 'Ideas Forum'
 - Michael Recycle 'Zero Hero' cut the carbon campaign
 - Schools engagement
 - Measures in the emerging Youth Strategy

In support of this motion, it was stated that there would be no refusal for the Council to take action and the motion was about the action that would be taken. The Council was already in the process of taking action and other plans were in place. The current generation had a duty to take steps and the Council had a responsibility to undertake those steps and acknowledge the requests made in the public petition. All relevant issues mattered and, although efforts were already being made, further action was needed. The motion set out a net zero-carbon target by 2050, which was realistic. Detailed actions had been thought about but more could be done. The motion was not an attempt to include everything but would get the ball rolling. Increasing action would be taken in certain areas, such as a commitment to replace bin vehicles appropriately. An Ideas Forum would be established immediately with consideration being given to putting in suitable ideas into Council plans. The Environment Bill would provide funding where increased costs would be incurred to instigate new plans. A lot of time had been spent speaking to officers and looking at everything that the Council should be doing to improve its processes. Passing this motion would include a clear delivery of objectives which would be measurable. It was packed with things that could be done, and the Council would be implementing these. This motion should be taken forward, hopefully with cross-party support.

Amendment 1 to declare a climate change emergency already had been incorporated into the motion by the proposer with the agreement of the seconder, as detailed above.

Amendment 2

Councillor Victoria Charlesworth proposed, seconded by Councillor Mark Inskip, the following amendment:

To replace the 2050 deadline with 2030 in the following points that begin:

- “Together with Cambridgeshire County Councilto deliver net zero carbon emissions from energy use in East Cambridgeshire by 2030.
- “Measures required and feasibility of reaching net zero carbon emissions by the Council by 2030.

To have an overall goal of 2030 for all current and upcoming actions.

It was questioned how ambitious the Council was, as if it did not get fully on board it would be left behind. A 2030 target date instead of 2050 would be better and potentially more successful, as climate change was happening now and the Council had to act now. Everyone has to face this threat and take it seriously.

Members had to consider whether aiming for 2030 was the right thing to do, as a target of 2030 added nothing, as missing it would be contrary to current legislation. Realistic targets were needed and plenty of other Councils had set similar timetables.

In speaking against the motion, it was suggested that making policy ‘on-the-hoof’ like this was dangerous, as there was no opportunity to consider it properly. Whereas going forward with the proposals made by the County Council, to totally refurbish the energy infrastructure in the area, was the way to move forward.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Amendment 3

Councillor Charlotte Cane proposed, seconded by Councillor Gareth Wilson, the following amendment:

After ‘Commit to the following actions, to begin immediately:’ add new bullet point

–

Form a Climate Change Partnership to develop the Council’s Environment and Climate Change Strategy and Action Plan to consider for adoption at Full Council in January 2020. To ensure that the funding for the Action Plan is built into the budget for the year 1 April 2020 to 31 March 2021 and built into financial planning for subsequent years. To require an assessment for every item included in budgets going forward of its impact on the Council’s Environment and Climate Change Strategy and Action Plan.

As no clear action was set out, the amendment tried to address that forming a Climate Change Partnership would get it involved in developing and delivering a Strategy and Action Plan in time to be adopted by full Council at its January meeting. This would then enable the costs of any actions to be built into the Council Budget. The amendment would ensure some form of action would be taken and would allow every budget item to be assessed on environmental or climate change grounds against the agreed Strategy.

The amendment enabled faster action to be instigated. It would be simple to form the Partnership so that action could be started straight away. To get the finances required into the budget, the timescales had to be appropriate. This would mean that action would be budgeted for within next year's budget. The Council was already proceeding with relevant work, so 13 weeks should be enough time to organise the work needed.

The motion proposed working together on this issue, as everybody was trying to protect the district. Getting the relevant parties and experts together seemed like a sensible idea and any ideas would require money allocated within the budget. The budget would then reflect the requirements of an agreed plan, so the amendment should be approved.

In applauding the ambition of the amendment, it was accepted that there would be a need to consult other parties, but this should be through the committee structure to produce a fully costed plan. So the amendment could not be supported.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Amendment 4

Councillor Victoria Charlesworth proposed, seconded by Councillor Simon Harries, the following amendment:

To insert immediately after "Through planning policy we favour sustainable development, we secure energy and sustainability measures on all developments of 5 dwellings or more and we seek BREEAM 'very good' build standard on non-domestic developments greater than 1000m²"

- We seek to follow the example set by Goldsmith St. in Norwich, to build to the most exacting of environmental standards using Passivhaus specification for residential developments.
- To clarify the BREEAM standard as BREEAM 2018

Norwich Council had built high specification housing designed that so the sun warmed the houses, reduced energy consumption and reduced costs. This Council should also aim for higher specifications on housing, particularly as it had limited land on which such housing could be built. The Council should seek to follow the example given, as Norwich was not the only council taking this view. The Council should show ambition to build to the Passivhaus specifications and its 'green' standards.

However, it was contended that the amendment would require the policy in the Local Plan and planning policies to be amended. This would have to be accomplished through planning policy and doing so would result in the Local Plan failing at appeal. So the consequences of this amendment had not been thought through, and could not be agreed.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Amendment 4a

Councillor Simon Harries proposed, seconded by Councillor John Trapp, that the wording “Kennett Community Land Trust has been designed using Garden Village principles” be struck out.

Associating the Kennett development with the garden Village principles suggested that the development would be environmentally friendly, which would not be the case. Householders would leave every day by car, which would have a negative environmental effect. The scheme itself was deeply controversial and was not environmentally sustainable, therefore this statement should be deleted.

Speaking against this amendment, it was stated that the Council was proud of the Kennett development, as it would be low density and had been designed to Garden Village principles. The list of activities on the agenda were simply to inform residents of what the Council was doing.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Amendment 5

Councillor Charlotte Cane proposed, seconded by Councillor Mark Inskip, the following amendment:

After ‘Conduct a review.... And increase biodiversity’ add new bullet point – Require East Cambs Trading Company Limited to develop and Environment and Climate Change Strategy and Action Plan and imbed that into its Business Plan for 2020/21 and subsequent years.

The Council via the Trading Company was developing houses, looking at the ex-Ministry of Defence site and dealing with parks and open spaces, so it had a huge impact on the environmental plan. Therefore, it should be asked to produce a Strategy and Action Plan.

The amendment asked for a decision in principle with the details worked out in committee. This was extremely important, as the companies were set up by Council and carried high risks. So a statement of intent should be given to show how the Council was accepting its responsibilities.

The amendment was not asking for a great deal, just a Strategy and Plan, which other councils had, as it was well worth having. This could incorporate historic standards and building environmental resilience.

This would form part of the work by relevant committees, and many companies were already doing this. There was no reason why this should not be agreed, as it could deliver real change.

The implication was to build houses to the Passivhaus standard, but there was no consideration of how this would be paid for. That issue should form part of work by the committees, as specified in the original motion. This issue was already embedded in the Business Plan, as covered by the original motion, so there was no need for this amendment.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Amendment 6

Councillor Charlotte Cane proposed, seconded by Councillor Mark Inskip, the following amendment:

After 'Request East Cambs..... customers of the Company' add new bullet point –
Require East Cambs Street Scene to develop and Environment and Climate Change Strategy and Action Plan and imbed that into its Business Plan for 2020/21 and subsequent years.

Street Scene was wholly owned by the Council and was Teckal compliant. It also had a key role in delivering a climate change strategy. So it should also have a Strategy and Action Plan embedded in the 2020/21 Plan. The amendment suggested that the Council take action that could be measured and this did not appear in the original motion.

It was questioned whether the Council would be ambitious and get its company to be environmentally sustainable. This needed to be embedded in the Business Plan. There was nothing controversial in the amendment and, as the companies activities were very focused on environmental matters. So the Council should get at least one of its companies to produce a Strategy and Action Plan.

The Council was reminded that there were plans for a massive change to the entire infrastructure to help tackle climate change. This amendment was not the normal way

to deal with business, gave no specific proposals and did not have any measurable outcomes.

A recorded vote was requested and voting was as follows:

For [12] – Councillors Charlotte Cane, Victoria Charlesworth, Matthew Downey, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

Returning to the original motion, in opposing the motion, it was stated that the motion had no substance and with a target date of 2050 it should not be accepted. People had taken the trouble to bring their concerns to the Council via the petition, with a 2030 target, but this had not been accepted in the motion. The target date of 2030 would be challenging but was necessary.

With regard to the 2030 target date, it was contended that it was a massive target to develop a Strategy within 6 months and was not realistic. The motion had been amended to include the declaration of a climate emergency and the parties should work together to take action. The motion set high targets but was intended to be realistic in its aims. It was to be hoped that people would contribute their ideas to the Forum so that sustainable actions could be undertaken.

Councillor Matthew Downey left the meeting by this point.

A recorded vote was requested and voting was as follows:

For [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

Against [11] – Councillors Charlotte Cane, Victoria Charlesworth, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Alison Whelan, Christine Whelan, Gareth Wilson

The substantive motion was therefore declared to be carried.

It was resolved:

- (i) That the positive actions and work that have already been completed or begun be noted;
- (ii) That a 'Climate Emergency' be declared that required urgent action;
- (iii) That Council be committed to the following actions, to begin immediately:
 - Launch and publicise an online 'Ideas Forum' for residents to submit their ideas for consideration on how the Council can tackle climate change

- Develop a Supplementary Planning Document for the Natural Environment
 - Conduct a review of the management, use of pesticides and the grass cutting schedule of our own open spaces and develop a Parks and Open Spaces Eco Plan to reduce adverse environmental impacts and increase biodiversity
 - Request East Cambs Trading Company to consider if and how the Parks and Open Spaces Eco Plan can be applied to customers of the Company
 - Promote tree schemes by the Woodland Trust and other organisations to encourage tree planting throughout the District
- (iv) The Council assess the feasibility and capability of new carbon emission free vehicles available on the market when any Council owned vehicle comes to the end of its life, alongside consideration of the required investment in infrastructure to charge and maintain a carbon emission free fleet
- (v) That the Operational Services Committee be tasked to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution and protect and enhance biodiversity and present to Committee within 6 months; as part of this work, Committee will explore and consider the following, which is not an exhaustive list:
- Measures in conjunction with the Combined Authority
 - Measures in conjunction with Cambridgeshire County Council
 - Measures in conjunction with other organisations and customers
 - Measures required and feasibility of reaching net zero carbon emissions by the Council by 2050
 - Pre-application Planning fee incentives/discounts for schemes using eco-friendly building methods and heating and cooling systems and green energy schemes
 - Incentives/discounts on taxi license fees for ultra-low and zero emission vehicles at renewal
 - Installing more electric charging points in Council owned car parks
 - Installing additional water refill stations on Council premises
 - Communications Plan, including:
 - Changing the culture of the Council to one of 'Think Zero'
 - Promotion of the online 'Ideas Forum'
 - Michael Recycle 'Zero Hero' cut the carbon campaign
 - Schools engagement
 - Measures in the emerging Youth Strategy

The meeting was adjourned for a comfort break at 9:05pm.

Councillors Alison Whelan and Christine Whelan left the meeting at this point and did not return.

The meeting reconvened at 9:17pm.

42. **QUESTIONS FROM MEMBERS**

The following question, to the Leader of the Council Councillor Anna Bailey, was read out by Councillor Charlotte Cane:

On 30 May 2019 Councillor Dupre moved an amendment to delete the proposals to appoint the Leader of Council and Chair of Operational Services as Directors of

ECTC Limited and the Deputy Leader of Council and Chair of Finance and Assets as Directors of ECSS Limited. Councillor Bailey opposed this amendment, stating that “She did not concur with Councillor Dupre’s view regarding increasing the potential for conflicts of interest, but thought that the proposed revised arrangements would lessen this. The two companies had their own identities, delivery programmes and challenges and the proposals would better align the responsibilities of the Trading Companies to the relevant policy Committees. In addition, it would also complement the existing Shareholder arrangements and widen the knowledge of the Companies’ structure and operations to more Members to promote a greater level of expertise.”

On 8 October 2019 Councillor Bailey informed members that she and the other 3 Councillors had resigned as Directors noting that as Directors they ‘cannot take part in important debates and motions arising from the new political makeup of the Council’ and that officers would be proposing changes to the composition of the two companies’ Boards.

What has changed since 30 May 2019, when Councillor Bailey gave support to the arrangements which she has now resigned from and is now seeking to change?

What was so urgent that she, and the three other Directors felt they had to resign on 8 October 2019?

In reply, Councillor Anna Bailey stated¹ that the resignations had been a pragmatic response to the change in the Council’s composition. All four ex-Board Members could now play a full part in Council debates when considering the companies’ matters and ensure that the companies could deliver their aims. The main focus of concern regarding the governance of the two companies should be that it was correct and legal.

43. **CORPORATE PLAN 2019-2023**

Council considered a report U89, previously circulated, that gave details of the new Corporate Plan 2019-2023 for East Cambridgeshire District Council.

Councillor Anna Bailey proposed that the new Corporate Plan with the subsequent Constitution changes be approved, seconded by Councillor Joshua Schumann.

The Corporate Plan was a co-operation between the Council Administration and the public, as a public survey had helped form the Plan. It set out the Council’s priorities for the next four years with some already having been delivered. The Plan included funding Viva in Soham, managing Community Infrastructure Levy so no money had been borrowed for the delivery of The Hive, helping deliver the new railway station in Soham, supporting the schools recycling campaign and approving the Littleport Vision. This would be done within a well-managed budget.

The Council had been very successful with its Corporate Plan over the last four years and the new one listed the ambitions of the Council to tackle environmental issues, produce a communication plan, deal with fly tipping, have a purge on plastics and extend public car parking provision. Residents would be consulted about the Transport Plan and this would be included within a wider strategy.

¹ Councillor Charlotte Cane requested that Councillor Anna Bailey’s name be recorded in the minutes against her response.

The Corporate Plan had intent, implementation and impact. It been developed by a fantastic team of Council Officers and all Members had been invited to offer ideas to help produce the Plan. Legal advice had been sought about the governance of the trading companies to ensure it was correct and legal. The trading companies would aid the medium term financial strategy of the Council. The priorities were to improve Council services but keep council tax levels low. A public survey had indicated support for the new Plan, so it should be approved.

In opposing the Plan, it was stated that although some things within the Corporate Plan could be worked on together, such as bus transport, cycleways and potholes, some other matters were disappointing. For example, the proposals for the roundabout on the A142 appeared to be about speeding up traffic which would disincentivise pedestrians and isolate communities. The previous Plan had included tackling heavy goods vehicles travelling through villages but this was now not mentioned. Community Land Trusts were promoted but the model was distorted as many were driven by the Council for its own purposes and were thrust upon communities. The Trading Companies had the same people making decisions as the Combined Authority, which was a failure of governance. The Council was financially dependent on income from the Kennett project. The Local Plan would not deliver on environmental issues. With no overwhelming mandate for this Corporate Plan could not be supported.

Good governance of the trading companies was crucial, as the Council was dependent on their income. Sound financial management was needed and also an understanding of any conflicts of interest, so integrity of the planning process was not undermined. More details in the Plan would have been useful and there was no confidence in the Plan until the activities of the trading companies was known.

Councillor Gareth Wilson declared a personal interest in this item, as he was a Trustee on the Haddenham Community Land Trust.

The Transport Plan made no reference to pedestrians, who suffer due to lack of footpaths in some villages, and seemed to focus on allowing cars to go faster. More consideration should be given to pedestrians, although undertaking a Bus Review was commendable.

There was not a list of priorities in the Plan so how could the Council agree the proposal to amend the Constitution accordingly. To clarify the position, Councillor Anna Bailey proposed, with the support of her seconder, that the word "priorities" be removed from 2.1 (ii) of the recommendations, and when put to the vote:

It was resolved:

- (i) That the new Corporate Plan set out in Appendix 1 be approved:
- (ii) That the Monitoring Officer be instructed to amend the Constitution (ref: Article 1 paragraph 1.05) to make the necessary amendments to reflect the new Corporate Plan.

44. **RECOMMENDATIONS FROM COMMITTEES**

Council considered a report U90, previously circulated, that gave details of recommendations from the Council's Committees.

FINANCE & ASSETS COMMITTEE – 26 SEPTEMBER 2019

Anti-Fraud and Corruption Strategy

The recommendation was proposed by Councillor David Brown, and seconded by Councillor Ian Bovingdon, and agreed unanimously.

ECTC Business Plan

The recommendation was proposed by Councillor David Brown and seconded by Councillor Ian Bovingdon

Amendment

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, that the Business Plan be deferred to the next Council meeting, as a number queries had been raised with the Auditors and no resolution had yet been received. The recent Shareholder meeting did not supply those answers and did not give any re-assurance. There was a serious worry about the governance of the East Cambs Trading Company and it was already six months into the financial year without the previous year's accounts being confirmed. There had been discrepancies in the figures and inconsistencies that needed resolving before the new Business Plan should be agreed.

It was revealed that re-assurances had been given at the Trading Company Board meeting, as some doubts had been raised at the Finance & Assets Committee meeting.

A recorded vote was requested and voting was as follows:

For [9] – Councillors Charlotte Cane, Victoria Charlesworth, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Gareth Wilson.

Against [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

The amendment was therefore declared to be lost.

In support of the recommendation, the Council was reminded that the Trading Company existed for the benefit of the district's residents. It was not failing but was exceeding its expectations. It was handling a high number of activities such as the markets, parks and open spaces, car parks and building schemes. This included the Kennett project, which had received planning permission, and purchasing of the former Ministry of Defence houses. The Business Plan evidenced the benefit of £1.6million to the Council, to help the Council deliver a balanced budget, which had been achieved for the last six years. The Trading Company income formed part of the Medium Term Financial Strategy and it had been audited properly. Governance of the Trading Company had been found to be sound by external legal advice, so there were no conflicts of interests. The staff should be appreciated for delivering community benefits.

A recorded vote was requested and voting was as follows:

For [15] – Councillors Christine Ambrose Smith, David Ambrose Smith, Anna Bailey, Ian Bovingdon, David Brown, Lavinia Edwards, Lis Every, Julia Huffer, Bill Hunt, Dan Schumann, Joshua Schumann, Alan Sharp, Amy Starkey, Lisa Stubbs, Jo Webber.

Against [9] – Councillors Charlotte Cane, Victoria Charlesworth, Lorna Dupre, Simon Harries, Mark Inskip, Alec Jones, John Trapp, Paola Trimarco, Gareth Wilson.

The motion was therefore declared to be carried.

It was resolved:

- (i) That the updated Anti-Fraud and Corruption Strategy, as attached at Appendix 1 to the report, be adopted.
- (ii) That the ECTC Business Plan be approved.

45. **POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS REVIEW**

Council considered a report, U91 previously circulated, detailing the outcome of the review of Polling Districts, Polling Places and Polling Stations.

The Electoral Services Team Leader advised Council that permission was being sought from Members to accept the final recommendations of the Polling District Review. Two existing halls would not be able to be used, due to refurbishment work, but alternative venues had already been sourced.

Councillor Lis Every proposed the recommendations, seconded by Councillor Alan Sharp, and these were unanimously agreed. Thanks were offered to the Electoral Services team for their work on this issue.

It was resolved:

- (i) That the outcome of the review of Polling Districts, Polling Place and Polling Stations as detailed in Appendix A be noted;
- (ii) That the proposed changes in the Returning Officer's Proposals as detailed in Appendix A be agreed.

46. **REVIEW OF MEMBERS' ALLOWANCES – REPORT OF THE INDEPENDENT REMUNERATION PANEL**

Council considered a report, U92 previously circulated, detailing the recommendations of the Independent Remuneration Panel (IRP) relating to Members' Allowances.

The Democratic Services Manager stated that the IRP had undertaken a very thorough process to form its recommendations and the Councillors who contributed to the review were thanked.

It was suggested that the Council could not afford the recommended increases, and the money could be better spent elsewhere.

The Council was reminded that the Review had been completed independently and the IRP had put a huge amount of hours into the work. It had gathered detailed evidence in drawing up its conclusions, so the recommendations should be accepted.

The Democratic Services Officer sought clarity on the proposals and it was confirmed that the words "or approve an alternative scheme of Members' Allowances, and consider whether to backdate these" be deleted from recommendation 2.1 and that

recommendation 2.2 be for noting only. The revised recommendations were therefore proposed by Councillor Lis Every, seconded by Councillor David Ambrose Smith, and upon being put to the vote were agreed.

It was resolved:

- (i) That the recommendations of the Independent Remuneration Panel (IRP) as set out in Appendix A be approved;
- (ii) That the IRP comments in paragraph 6.3 of their report be noted.

47. **REVIEW OF THE CONSTITUTION**

Councillor Lis Every proposed the recommendations in the report, seconded by Councillor David Brown.

Amendment

Councillor Lorna Dupre proposed, seconded by Councillor Charlotte Cane, the following amendments:

Add:

- At the end of 2.1 'with the following exceptions/additions:
- The exception of the changes proposed to 3A (Full Council) – *see 2.2 below*;
- Amend Part 4 Rules of Procedure new 10.6 to add at end 'and circulated to all councillors prior to the start of the meeting';
- Amend Part 4 Rules of Procedure 13.3 to add at end 'All answers will be answered by the person to whom the question is addressed'
- 2.2 That Council establish a Strategic Planning Committee of seven members to determine any strategic planning matters delegated from Full Council which shall include the SCI and SPDs
and renumber accordingly.

Concern had already been expressed about the lack of notice given for amendments and one proposed change appeared to enable future amendments to be given to officers but with no opportunity for Members to see it before the meeting. Any future amendments should be circulated to members.

Any questions addressed to a specific person should be answered by that person, rather than officers answering on their behalf.

A proposal had been brought back about establishing a new Committee to consider strategic planning matters, as expertise would be required to ensure the relevant policies were right. Clarity was also needed about planning in the district and to tackle the review of the Local Plan. The Council had a four-year old Local Plan, so the new Committee would be needed to handle this important issue which involved a huge amount of work.

It was stated that the Finance and Assets Committee had the ability and capacity to consider Strategic Planning matters, so there was no convincing argument to create another Committee. If the Finance and Assets Committee could not handle the issue in the future then this could be re-considered.

When put to the vote the amendment was declared to be lost.

Councillor Joshua Schumann proposed an amendment to the recommendations in the submitted report, seconded by Councillor Anna Bailey, that the words “with the consent of the Council (without debate)” be deleted under paragraph 12.6 of the Council Procedure Rules. It was acknowledged that Members of all parties who had proposed a motion sometimes made minor amendments to motions given under notice, so this altered wording would facilitate cross-party working as suggested amendments could be agreed. If the wording was left unaltered, this could preclude the opposition from amending any of their future motions.

It was suggested that amending this would permit anyone giving notice of a motion to amend it substantially during the meeting without notice and that would be truly unacceptable. This proposed clause would be ambiguous and Members should not be allowed to amend such motions at will. The clause did not need tidying up as any error in a motion that was spotted only needed Council to correct it.

The Democratic Services Manager explained that any motion with notice had to be submitted eight days before a Council meeting under Council Procedure Rules. The current wording could result in a potentially inflexible and contradictory situations whereby motions could not be amended by the proposer in the light of changed circumstances or cross-party agreement, without the consent of Council.

When put to the vote the recommendations, with the proposed amendment, were declared to be carried.

It was resolved:

- (i) That the proposed amendments to the Constitution, detailed at Appendix 1 be approved, with the following amendment:
 - the words “with the consent of the Council (without debate)” be deleted from Paragraph 12.6 of the Council Procedure Rules;
- (ii) That the Legal Services Manager and Democratic Services Manager be authorised to make any consequential changes to the Constitution arising from the agreed amendments.

48. **EAST CAMBS TRADING COMPANY SHAREHOLDER AGREEMENT AND ARRANGEMENTS**

Council considered a report, U94 previously circulated, on changes to the membership of East Cambs Trading Company (ECTC) and the terms of reference for the Finance & Assets Committee in its capacity as Shareholder Committee.

Councillor Joshua Schumann proposed, seconded by Councillor David Ambrose Smith, that the recommendations be agreed.

Amendment 1

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, the following amendment:

2.1 add new point (i) and re-number thereafter –

Express concern that the Annual Report and Accounts for the Year ended 31 March 2019 have not been circulated to members, despite being expected to be provided for the Finance & Assets Committee meeting on 26 September and

despite the Chair noting at that meeting that they would be circulated as soon as possible.

Concerns were raised by the Finance & Assets Committee when the Chairman of the Committee explained that the annual accounts had not been ready for the Committee meeting but would be circulated later. These should have included with the Annual Report but this had not been done. This showed disrespect for the Committee and did not allow it to scrutinise matters at the right time. Discrepancies had been noted in the draft accounts and Members could not simply accept assurances that everything was satisfactory. This was not good enough and the Council had to be concerned about this, as millions of pounds had been borrowed by the Company, but the final accounts had not been presented as promised.

It was disclosed that the Annual Report had been approved in July by the Company's Board and the delay in the Accounts was due to the appointed auditors not having completed the audit. This now had been done and nothing had changed from the draft set of reports that Members had already seen.

When put to the vote the amendment was declared to be lost.

Amendment 2

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, the following amendment:

Amend the composition of the Board to:
Chairman, ECTC Ltd (Independent)
Managing Director
Director

The proposed recommendation gave the person the same title held within the Council as that on the Company's Board. There was already confusion over officers' roles, so this would add further confusion. Therefore, the Company title should be changed. Clarity needed to be preserved and this change would make things clearer and would demonstrate which role the officer was undertaking at any particular time.

When put to the vote the amendment was declared to be lost.

Amendment 3

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, the following amendment:

2.1 delete point (ii) and re-number thereafter

The structure recommended would not work effectively and it was not considered a good idea to have Members as 'Observers', as it would be unclear what role they were undertaking and would place them in an invidious position. They would in fact be quasi-directors but with no protection and they could be seen to unduly influence members of the Company's Board. There would be a risk of misconception about their role and would cause confusion over the governance of the Company.

When put to the vote the amendment was declared to be lost.

Councillor Paola Trimarco left the meeting at this point, 11:29pm.

Amendment 4

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, the following amendment:

2.1 delete point (iv)

The recommendation to authorise a Council officer to take action relating to the Company was not something the Council had a right to do, so this recommendation should be deleted.

The Legal Services Manager advised the Council that these matters were reserved for Council, so it did have the authority to authorise the Company Secretary to make amendments.

When put to the vote the amendment was declared to be lost.

The original motion was then put to the vote and declared to be carried.

It was resolved:

- (i) That the changes to the Board membership as detailed in paragraph 4.0 be approved;
- (ii) That the Leader of Council and Chairman of Finance & Assets Committee be appointed to ECTC as Board Observers;
- (iii) That the Monitoring Officer be authorised to make consequential amendments to the Shareholder Agreement and Finance & Assets Committee Terms of Reference to implement the decisions of Council as detailed above;
- (iv) That the Company Secretary be authorised to make changes to the ECTC Articles of Association to implement the decision of Council as detailed above.

49. **EAST CAMBS STREET SCENE SHAREHOLDER AGREEMENT AND ARRANGEMENTS**

Council considered a report, U95 previously circulated, on changes to the membership of East Cambs Trading Company (ECTC) and the terms of reference for the Finance & Assets Committee in its capacity as Shareholder Committee.

Councillor Anna Bailey proposed, seconded by Councillor David Brown, that the recommendations be approved.

Amendments

Councillor Charlotte Cane proposed, seconded by Councillor Lorna Dupre, the following amendments:

Amend the composition of the Board to:
Chairman, ECTC Ltd (Independent)
Managing Director
Director

- 2.1 delete point (ii) and re-number thereafter
- 2.1 delete point (iv)

When put to the vote, the amendment was declared to be lost.

The original motion was then put to the vote and declared to be carried.

It was resolved:

- (i) That the changes to the Board membership as detailed in paragraph 4.0 be approved;
- (ii) That the Leader of Council and Chairman of Operational Services Committee be appointed to ECSS as Board Observers;
- (iii) That the Monitoring Officer be authorised to make consequential amendments to the Shareholder Agreement and Operational Services Committee Terms of Reference to implement the decisions of Council as detailed above;
- (iv) That the Company Secretary be authorised to make changes to the ECSS Articles of Association to implement the decision of Council as detailed above.

50. **REVIEW OF THE LOCAL PLAN 2015 AND WIDER PLANNING POLICY MATTERS**

Council considered a report, U96 previously circulated, that sought a way forward regarding the East Cambridgeshire Local Plan.

Councillor Anna Bailey proposed, seconded by Councillor Joshua Schumann, that the recommendations in the report be approved.

The Director Commercial advised the Council that officers had reviewed the relevant legislation and the Council did not have to commence work on a new Local Plan. The Council would, however, continue to work with its parish councils on their Neighbourhood Plans, on supplementary planning guidance and design guides.

Thanks were offered to the Strategic Planning Manager on a clear and well-written report. Work on a new Local Plan would cost the Council between £500-700K and this had not been included in the Council's budget. Although the 2015 Local Plan did not quite conform to national planning policy, national affordable housing rules were being implemented and the targets were similar. National emphasis on better design could be overcome locally using supplementary planning documents. There was no substantive change in housing need within the district and the Council could not be held at fault for the lack of housing being built, as plenty of planning permissions had been granted but developers had let the Council down. The five-year housing supply was down but the backlog of unbuilt homes would be removed in 2020, whereas adopting a new Local Plan now could be detrimental to the Council and district. The Government had also indicated that it would be making changes to the planning system so it made sense to hold off on producing a new Plan at this point. The Council had to ensure that it protected against speculative planning applications to safeguard its communities.

Amendment

Councillor Charlotte Cane proposed, seconded by Councillor Alec Jones, to defer consideration of this item until the parish councils had been consulted on whether to proceed or not with preparing a new Local Plan.

Planning in this area was a challenge for parish councils as there were a lot of speculative applications being made. So they were expending more time providing reasons why those applications did not merit consent. The Council should be trying to ensure proper development and should hear what the parish councils thought about not proceeding with a new Local Plan. Neighbourhood Plans were useful but needed a Local Plan to refer to. Only some parishes had the protection of a Neighbourhood Plan, so the rest of the district was not protected. Planning was a complicated process, so seeking the views of the parishes was important. Delaying the start of a new Local Plan would have a real impact on the parishes. Therefore this issue should be deferred to allow consultation and give proper weight to the decision.

An alternative view stated was that deferring this issue would affect the development of supplemental planning documents and the environmental action plan. There was only one policy currently out-of-date and that related to the five-year land supply, but it was highly likely that the Council would regain control of this in 2020. This could be jeopardised by deferring the matter. The parish councils had not been chasing the Council, as the planning authority, about any issues but there was no reason why Members could not continue to consult them. Big changes in the planning system were on the way and these needed to be kept under review.

When put to the vote the amendment was declared to be lost.

It was noted that in the officer report it stated that there had been a failure with the Planning Inspector, but using that to have no Plan would have a knock-on effect. Parish councils were struggling under the burden due to no up-to-date Plan, meaning they had to develop their own Neighbourhood Plans for self-protection. The Inspector had put arbitrary numbers of housing needed because the Council had dithered.

An alternative view was that it was right not to go ahead with a new Local Plan following the Inspector's recommendations, as the Inspector had failed to follow the Inspectorate's own processes. There had been fundamental issues with those recommendations, such as including an additional 1500 houses which would significantly affect local communities. Village characteristics would have been erased, no infrastructure had been considered and Community Land Trusts would have been deleted. Not proceeding with a new Local Plan would result in the Council regaining an effective Local Plan by April 2020.

When put to the vote the original motion was declared to be carried.

It was resolved:

- (i) That the formal Review of the Local Plan be endorsed and consequently preparation of a new Local Plan is not commenced at this stage;
- (ii) That a further Review be undertaken within 18 months, or earlier if evidence suggests it was prudent to do so;
- (iii) That the updated Local Development Scheme as presented at Appendix 3 be approved;

- (iv) That the work programme for the preparation of Supplementary Planning Documents over the coming 1-2 years be endorsed;
- (v) That the continued progress with Neighbourhood Plans across the district be welcomed and their production where reasonable and practical to do so be continued.

51. **COMMUNITY INFRASTRUCTURE LEVY UPDATE AND PROPOSED CHANGES**

Council considered a report, U97 previously circulated, that detailed changes to the Community Infrastructure Levy (CIL) Regulations, new governance arrangements and amendments to the Infrastructure List.

Councillor Ian Bovingdon proposed, seconded by Councillor Bill Hunt, that the recommendations in the report be approved.

The Council should approve the projects listed as it was a fantastic way for communities to benefit. Parish Councils should be encouraged to put forward projects within their own parishes.

Amendment

Councillor Lorna Dupre proposed, seconded by Councillor Charlotte Cane, that this item should be deferred to allow for a review of the CIL list, as the time was appropriate. The current list was dominated by road schemes but that took money away from potential environmental projects. CIL should be about improving the area, so the opportunity to discuss the list and its costs should be taken. The list was also not aligned with the climate emergency and the possible measures that could be funded via CIL. Therefore this issue should be deferred to consider those matters.

When put to the vote the amendment was declared to be lost.

The current update was about governance and how funds were allocated, rather than considering individual projects. Potential projects for adding to the list could be discussed at a future Council meeting. This would be aided by the Government changes, which would give more flexibility, and any environmental improvement suggestions would be given extra weight due to the decisions on climate change made at this meeting.

In answer to Members questions, the Director Commercial reminded the Council that there was an application process for potential projects to go on the list. Applications were accepted all year round, but it was being recommended that the current list be approved.

When put to the vote the original motion was declared agreed.

It was resolved:

- (i) That the update provided on the changes to the Community Infrastructure Levy regulations which came into force on 1 September 2019 be noted;
- (ii) That the Infrastructure List as set out in Appendix 1 be approved;

- (iii) That the draft Governance Arrangements as set out in Appendix 2 be approved;
- (iv) That the Deputy Monitoring Officer be authorised to make the necessary changes to the Council's Constitution.

Councillor Julia Huffer left the meeting at this point, 12:07.

52. **COMBINED AUTHORITY UPDATE REPORTS**

Council considered a revised set of reports, as tabled, from the Combined Authority on its activities.

It was resolved:

That the revised tabled report on the activities of the Combined Authority be noted.

53. **ACTION TAKEN BY THE CHIEF EXECUTIVE ON THE GROUNDS OF URGENCY**

Council considered a report, U98 previously circulated, outlining the action taken by the Chief Executive on the grounds of urgency.

It was resolved:

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

54. **EXCLUSION OF THE PRESS & PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 20 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

55. **ASSET MANAGEMENT MATTER**

Council considered an Exempt report, U99 previously circulated, concerning an asset management matter.

Councillor David Brown proposed, seconded by Councillor Ian Bovingdon, that the recommendations in the report be approved.

The Director Commercial outlined the matter and clarified the process following Members' questions.

It was resolved:

That the recommendation in the report be agreed.

The meeting concluded at 12:25am.

Chairman.....

Date:

Date of Publication of Decision List: 22nd October 2019



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

COUNCIL – 17th OCTOBER 2019
DECISION LIST

ITEM NO.	Ref.	Item	ISSUE	DECISION	ACTION BY
7 (i)	-	Motion - Encouraging Inclusivity	To consider a motion relating to Inclusivity, Equality and Diversity	The motion was withdrawn.	-
7 (ii)	-	Motion – Climate Emergency	To consider a motion relating to climate change.	When put to the vote the Motion was declared lost.	-

7 (iii)	-	Motion – Climate Change	To consider a motion relating to climate change	<p>It was resolved:</p> <ul style="list-style-type: none"> (i) That the positive actions and work that have already been completed or begun be noted; (ii) That a ‘Climate Emergency’ be declared that required urgent action; (iii) That Council be committed to the following actions, to begin immediately: <ul style="list-style-type: none"> ○ Launch and publicise an online ‘Ideas Forum’ for residents to submit their ideas for consideration on how the Council can tackle climate change ○ Develop a Supplementary Planning Document for the Natural Environment ○ Conduct a review of the management, use of pesticides and the grass cutting schedule of our own open spaces and develop a Parks and Open Spaces Eco Plan to reduce adverse environmental impacts and increase biodiversity ○ Request East Cambs Trading Company to consider if and how the Parks and Open Spaces Eco Plan can be applied to customers of the Company ○ Promote tree schemes by the Woodland Trust and other organisations to encourage tree planting throughout the District (iv) The Council assess the feasibility and capability of new carbon emission free vehicles available on the market when any Council owned vehicle comes to the end of its life, alongside consideration of the required investment in infrastructure to charge and maintain a carbon emission free fleet (v) That the Operational Services Committee be tasked to develop a costed Environment and Climate Change Strategy and Action Plan, including targets and timescales to reduce carbon emissions and pollution and protect and enhance biodiversity and present to Committee within 6 months; as part of this 	<p>John Hill Chief Executive</p> <p>Jo Brooks Director Operations</p>
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				<p>work, Committee will explore and consider the following, which is not an exhaustive list:</p> <ul style="list-style-type: none"> ○ Measures in conjunction with the Combined Authority ○ Measures in conjunction with Cambridgeshire County Council ○ Measures in conjunction with other organisations and customers ○ Measures required and feasibility of reaching net zero carbon emissions by the Council by 2050 ○ Pre-application Planning fee incentives/discounts for schemes using eco-friendly building methods and heating and cooling systems and green energy schemes ○ Incentives/discounts on taxi license fees for ultra-low and zero emission vehicles at renewal ○ Installing more electric charging points in Council owned car parks ○ Installing additional water refill stations on Council premises ○ Communications Plan, including: <ul style="list-style-type: none"> ▪ Changing the culture of the Council to one of 'Think Zero' ▪ Promotion of the online 'Ideas Forum' ▪ Michael Recycle 'Zero Hero' cut the carbon campaign ▪ Schools engagement ▪ Measures in the emerging Youth Strategy 	
9	U89	Corporate Plan 2019-2023	To consider the Corporate Plan 2019-2023 for East Cambridgeshire District Council	<p>It was resolved:</p> <p>(i) That the new Corporate Plan set out in Appendix 1 be approved:</p> <p>(ii) That the Monitoring Officer be instructed to amend the Constitution (ref: Article 1 paragraph 1.05) to make the necessary amendments to reflect the new Corporate Plan.</p>	<p>John Hill Chief Executive</p> <p>Maggie Camp Monitoring Officer</p>

10	U90	Schedule of Items Recommended from Committees and Other Member Bodies	To consider the Committee recommendations	<p>Finance and Assets Committee – 26 September 2019</p> <p>It was resolved:</p> <p>(i) That the updated Anti-Fraud and Corruption Strategy, as attached at Appendix 1 to the report, be adopted.</p> <p>(ii) That the ECTC Business Plan be approved.</p>	<p>Ian Smith Finance Manager</p> <p>Emma Grima Director Commerccail</p>
11	U91	Polling Districts, Polling Places and Polling Stations Review and Community Governance Review	To consider the outcome of the Reviews	<p>It was resolved:</p> <p>(i) That the outcome of the review of Polling Districts, Polling Place and Polling Stations as detailed in Appendix A be noted;</p> <p>(ii) That the proposed changes in the Returning Officer's Proposals as detailed in Appendix A be agreed.</p>	<p>Joan Cox Electoral Services Team Leader</p>
12	U92	Review of Members' Allowances – Report of the Independent Remuneration Panel	To consider the recommendations of the Independent Remuneration Panel	<p>It was resolved:</p> <p>(i) That the recommendations of the Independent Remuneration Panel (IRP) as set out in Appendix A be approved;</p> <p>(ii) That the IRP comments in paragraph 6.3 of their report be noted.</p>	<p>Tracy Couper Democratic Services Manager</p>

13	U93	Review of the Constitution	To consider proposed amendments to the Constitution	<p>It was resolved:</p> <p>(i) That the proposed amendments to the Constitution, detailed at Appendix 1 be approved, with the following amendment: - the words “with the consent of the Council (without debate)” be deleted from Paragraph 12.6 of the Council Procedure Rules;</p> <p>(ii) That the Legal Services Manager and Democratic Services Manager be authorised to make any consequential changes to the Constitution arising from the agreed amendments.</p>	<p>Maggie Camp Legal Services Manager</p> <p>Tracy Couper Democratic Services Manager</p>
14	U94	East Cambs Trading Company Shareholder Agreement and Arrangements	To consider proposed changes to membership of East Cambs Trading Company (ECTC) and the terms of reference for the Finance & Assets Committee	<p>It was resolved:</p> <p>(i) That the changes to the Board membership as detailed in paragraph 4.0 be approved;</p> <p>(ii) That the Leader of Council and Chairman of Finance & Assets Committee be appointed to ECTC as Board Observers;</p> <p>(iii) That the Monitoring Officer be authorised to make consequential amendments to the Shareholder Agreement and Finance & Assets Committee Terms of Reference to implement the decisions of Council as detailed above:</p> <p>(iv) That the Company Secretary be authorised to make changes to the ECTC Articles of Association to implement the decision of Council as detailed above.</p>	<p>Maggie Camp Legal Services Manager</p> <p>Emma Grima Company Secretary</p>

15	U95	East Cambs Street Scene Shareholder Agreement and Arrangements	To consider proposed changes to membership of East Cambs Street Scene (ECSS) and the terms of reference for the Finance & Assets Committee	<p>It was resolved:</p> <ul style="list-style-type: none"> (v) That the changes to the Board membership as detailed in paragraph 4.0 be approved; (vi) That the Leader of Council and Chairman of Operational Services Committee be appointed to ECSS as Board Observers; (vii) That the Monitoring Officer be authorised to make consequential amendments to the Shareholder Agreement and Operational Services Committee Terms of Reference to implement the decisions of Council as detailed above; (viii) That the Company Secretary be authorised to make changes to the ECSS Articles of Association to implement the decision of Council as detailed above. 	<p>Maggie Camp Legal Services Manager</p> <p>Emma Grima Company Secretary</p>
16	U96	Review of Local Plan 2015 and Wider Planning Policy Matters	To consider a way forward for the East Cambridgeshire Local Plan	<p>It was resolved:</p> <ul style="list-style-type: none"> (i) That the formal Review of the Local Plan be endorsed and consequently preparation of a new Local Plan is not commenced at this stage; (ii) That a further Review be undertaken within 18 months, or earlier if evidence suggests it was prudent to do so; (iii) That the updated Local Development Scheme as presented at Appendix 3 be approved; (iv) That the work programme for the preparation of Supplementary Planning Documents over the coming 1-2 years be endorsed; (v) That the continued progress with Neighbourhood Plans across the district be welcomed and their production where reasonable and practical to do so be continued. 	<p>Richard Kay Strategic Planning Manager</p>

17	U97	Community Infrastructure Levy Update and Proposed Changes	To consider recent changes to the Community Infrastructure Levy Regulations and new governance arrangements and amendments to the Infrastructure List	<p>It was resolved:</p> <p>(i) That the update provided on the changes to the Community Infrastructure Levy regulations which came into force on 1 September 2019 be noted;</p> <p>(ii) That the Infrastructure List as set out in Appendix 1 be approved;</p> <p>(iii) That the draft Governance Arrangements as set out in Appendix 2 be approved;</p> <p>(iv) That the Deputy Monitoring Officer be authorised to make the necessary changes to the Council's Constitution.</p>	<p>Emma Grima Director Commercial</p> <p>Tracy Couper Democratic Services Manager</p>
18	-	Combined Authority Update Report	To consider reports from the Combined Authority	<p>It was resolved:</p> <p>That the revised tabled report on the activities of the Combined Authority be noted.</p>	-
19	U98	Action Taken by the Chief Executive on the Grounds of Urgency	To consider the actions taken by the Chief Executive	<p>It was resolved:</p> <p>That the action taken by the Chief Executive on grounds of urgency be noted.</p>	-
20.	U99	Asset Management Matter EXEMPT ITEM	To consider an asset in Ely	<p>It was resolved:</p> <p>That the recommendation in the report be agreed.</p>	<p>Emma Grima Director Commercial</p>