



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 12 JULY 2018** commencing at **6.00pm** with up to 15 minutes of Public Question Time, immediately followed by the formal business, and you are summoned to attend for the transaction of the following business.

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 –**
 - a. **24 MAY 2018**
 - b. **24 MAY 2018 – Extraordinary Meeting**To confirm as correct records.
5. **CHAIRMAN’S ANNOUNCEMENTS** [oral]
6. **TO RECEIVE PETITIONS (IF ANY)** [oral]
7. **NOTICE OF MOTIONS UNDER PROCEDURE RULE 10** [oral]
8. **TO ANSWER QUESTIONS FROM MEMBERS** [oral]
9. **RECOMMENDATIONS FROM COMMITTEES**
 1. **Resources and Finance Committee – 18th June 2018**
2017-18 Treasury Operations Annual Performance Review
 2. **Shareholder Committee – 28th June 2018**
Future Role of the Shareholder Committee

10. **END OF YEAR COUNCIL REPORT 2017-2018**
11. **STATEMENT OF COMMUNITY INVOLVEMENT**
12. **POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS REVIEW AND COMMUNITY GOVERNANCE REVIEW**
13. **RESOLUTION TO EXTEND 6 MONTH RULE – SECTION 85 LOCAL GOVERNMENT ACT 1972**
14. **COMBINED AUTHORITY UPDATE REPORT**
To receive reports on the activities of the Combined Authority from the Council's appointee(s)



J Hill
Chief Executive

To: All Members of the Council

NOTES:

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

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

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 30 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 are webcast and broadcast live to the internet via YouTube.

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 use the lifts.
- The fire assembly point is in the front staff car park by the exit barrier.
- This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
- The Committee Officer will sweep the area to ensure that everyone is out of this area.

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

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

translate@eastcambs.gov.uk

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 4(a)

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

PRESENT

Councillor Peter Cresswell (Chairman)	
Councillor Allen Alderson	Councillor Julia Huffer
Councillor Anna Bailey	Councillor Mark Hugo
Councillor Derrick Beckett	Councillor Bill Hunt
Councillor Mike Bradley	Councillor Chris Morris
Councillor David Chaplin	Councillor Charles Roberts
Councillor Steve Cheetham	Councillor Hamish Ross
Councillor Paul Cox	Councillor Mike Rouse
Councillor Lorna Dupré	Councillor Joshua Schumann
Councillor Lavinia Edwards	Councillor Carol Sennitt
Councillor Lis Every	Councillor Alan Sharp
Councillor Coralie Green	Councillor Stuart Smith
Councillor Elaine Griffin-Singh	Councillor Jo Webber
	Councillor Christine Whelan

The Chairman welcomed the Reverend Eleanor Whalley, who opened the Council meeting with prayers.

1. **PUBLIC QUESTION TIME**

No public questions were submitted.

2. **ELECTION OF CHAIRMAN 2018/19**

It was resolved:

That Councillor Peter Cresswell be elected as Chairman of the Council for the 2018/19 municipal year.

Councillor Peter Cresswell read out and signed his declaration of Acceptance of Office, witnessed by the Chief Executive.

3. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allan, C Ambrose Smith, D Ambrose Smith, Austen, Brown, Goldsack, Hitchin, Hobbs, D Schumann, Shuter and Stubbs.

4. **APPOINTMENT OF VICE-CHAIRMAN 2018/19**

It was resolved:

That Councillor Lis Every be appointed as Vice-Chairman of the Council for the 2018/19 municipal year.

Councillor Lis Every read out and signed her declaration of Acceptance of Office, witnessed by the Chief Executive.

5. **DECLARATIONS OF INTEREST**

Councillor Joshua Schumann declared a pecuniary interest in agenda item 16, as he was a Trustee of the Viva Arts and Community Group.

Councillor Charles Roberts declared a prejudicial interest in agenda item 16, as he was the Chairman of the Stretham & Wilburton Community Land Trust.

Councillor Mike Rouse declared a prejudicial interest in agenda item 16, as he was a trustee of Ely Museum, and also a personal interest in the same item, as he was a member of the Viva Arts and Community Group.

Councillor Lis Every declared a prejudicial interest in agenda item 16, as she was the Chairman of the Ely Museum Trust.

6. **MINUTES**

It was resolved:

That the Minutes of the meeting held on 19 April 2018 be confirmed as a correct record and be signed by the Chairman.

7. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

Former District Councillor Nigel Bell

For the second month running the Chairman had the sad duty to report the passing of another former District Councillor, Nigel Bell. Nigel Bell was a Member for Ely East from 2003 to 2007. He served on a number of Council committees and was Chairman of Personal Committee during his term of office. A letter of condolence had been sent to his partner on behalf of the Council.

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

Members' Business Visit

During the last year the Chairman had arranged a number of visits for Members to local businesses. These would continue during the coming

year. The next visit would be to D S Smith on Friday 29th June. Arrangements would be emailed to Members in due course.

Mini-Committee Meetings

Members were reminded that immediately following this evening's Council meeting the Committees would be electing their Chairs and appointing Vice Chairs for the new municipal year, plus a number of various appointments on other Member bodies. Members were requested to remain in the chamber after Annual Council had concluded, to enable the proper elections and appointments to those positions.

Extraordinary Meeting

These meetings would be followed by an Extraordinary meeting of full Council, when there would be an opportunity to confer the title of Honorary Alderman on former Councillor Andy Wright.

8. **PETITIONS**

No Petitions had been received.

9. **MOTIONS**

No Motions were received.

10. **QUESTIONS FROM MEMBERS**

No questions from Members were received.

11. **LEADER AND DEPUTY LEADER OF THE COUNCIL, GROUP LEADERS AND DEPUTIES**

Council considered a report T1, previously circulated, that gave details of the Leader and Deputy Leader of Council, Political Groups and the Group Leaders and Deputies for the forthcoming year.

It was resolved:

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

The Chairman offered his congratulations to the Group Leaders.

12. **POLITICAL PROPORTIONALITY**

Council considered a report T2, previously circulated, that gave details of the political balance of the Council and the implications for the allocation of seats on Committees, Sub-Committees and other Member bodies.

Councillor Hunt thought that it was thoroughly deserved that Independent Councillor Derrick Beckett had been nominated to two committees. He was a real asset and both committees benefited from his presence.

Councillor Derrick Beckett responded by stating his thanks to the Conservative Group for allowing him to sit on those committees.

It was resolved:

That the details of the political balance of the Council as set out in Appendix 1 be noted and the allocation of seats on Committees, Sub-Committees and other Member Bodies as set out in Appendix 2 be approved.

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

Council considered a report, T3, previously circulated, that detailed the proposed appointments of Members and Substitutes to Committee, Sub-Committees and other Member Bodies for 2018/19.

It was resolved:

That the membership of Committees, Sub-Committees and other Member Bodies for 2018/19 be approved.

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

Council considered a report, T4a previously circulated, about the transfer of functions to the Cambridgeshire & Peterborough Combined Authority (CPCA).

The Chief Executive reminded the Council that this was the second such request and was being considered by each partner authority.

It was resolved:

- (i) That the transfer of functions to the CPCA conferred by the Business Rates Supplement Act 2009 be approved;

- (ii) That the transfer of functions to the CPCA to enable the devolution of the AEB be approved;
- (iii) That consent be given on behalf of the CPCA to the making of Orders to give effect to the transfer of functions as outlined in 2.1 (Paragraphs (i) (ii));
- (iv) That the Chief Executive and Legal Services Manager/Monitoring Officer, in consultation with the Leader of the Council, be authorised to approve the final draft order to meet the timetable for the transfer.

15. **CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY – MEMBERSHIP AND OTHER APPOINTMENTS**

Council considered a report, T4b previously circulated, requesting the Council to make appointments to the Combined Authority for 2018/19.

It was resolved:

- (i) That the Leader of the Council be appointed as the Council's appointee to the Combined Authority with Councillor Anna Bailey as the Substitute Member;
- (ii) That Councillors Mike Bradley and Alan Sharp be appointed to the Overview and Scrutiny Committee, with Councillors Julia Huffer and Chris Morris as Substitute Members;
- (iii) That Councillor Chris Morris be appointed to the Audit and Governance Committee with Councillor Alan Sharp as the Substitute Member.

Councillors Every, Roberts, Rouse and Schumann left the meeting at this point.

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

Council considered a report, T5 previously circulated, that set out amendments to the Community Infrastructure Levy (CIL) Regulation 123 List (R123) to include new infrastructure projects.

The Director Commercial advised the Council that a consultation had taken place resulting in eleven new submissions for entry on the R123. Consequently a number had been recommended for inclusion including projects for Burwell Parish Council, Ely Museum, The Mill at Soham, Sutton General Practitioners and Stretham General Practitioners. This did not mean that those project would receive funding but gave them the potential to do so.

Councillor Mike Bradley congratulated Councillor Stubbs and officers for getting the project for the surgery in Sutton on the List, as it was much needed. It would have an expensive cost so would need CIL money to succeed.

Councillor Anna Bailey offered thanks for a well-managed CIL process and R123. This Council had contributed to many projects and it was pleasing that the Council had adopted CIL to achieve this. The revised List included for more cultural facilities, such as for Ely Museum which would help tourism in the district. The Soham Mill was a very exciting project and the one for Viva was welcomed, as it was well known for its outstanding work in rejuvenating its building.

Councillor Bill Hunt was thrilled that the Council was seeking to support the recreation ground improvements in Burwell, and the projects for Ely Museum and Viva. It was good to see the improvements Viva had made and the Council should help the two surgeries schemes.

Councillor Lorna Dupré understood the significance of the Sutton practice project and what a difference it would make. Being a General Practitioner was not an easy thing in these difficult times. Its inclusion on the List was welcomed as it would help to meet local needs.

It was resolved:

That the draft Regulation 123 List as set out in Appendix 1 be approved.

Councillors Every, Roberts, Rouse and Schumann returned to the meeting at this point.

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

It was resolved:

That the press and public be excluded during consideration of the remaining item no. 18 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of public were present during the item there would be disclosure to them of exempt information of Category 1, 2 & 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

18. **EXEMPT MINUTES**

It was resolved:

That the Exempt Minutes of the meeting held on 19 April 2018 be confirmed as a correct record and be signed by the Chairman.

The meeting concluded at 6:29pm.



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 4(b)

Minutes of an Extraordinary Meeting of East Cambridgeshire District Council held in the Council Chamber, The Grange, Nutholt Lane, Ely on Thursday 24 May 2018 at 6.48pm

PRESENT

Councillor Peter Cresswell (Chairman)	
Councillor Allen Alderson	Councillor Julia Huffer
Councillor Anna Bailey	Councillor Mark Hugo
Councillor Derrick Beckett	Councillor Bill Hunt
Councillor Mike Bradley	Councillor Chris Morris
Councillor David Chaplin	Councillor Charles Roberts
Councillor Steve Cheetham	Councillor Hamish Ross
Councillor Paul Cox	Councillor Mike Rouse
Councillor Lorna Dupré	Councillor Joshua Schumann
Councillor Lavinia Edwards	Councillor Carol Sennitt
Councillor Lis Every	Councillor Alan Sharp
Councillor Coralie Green	Councillor Stuart Smith
Councillor Elaine Griffin-Singh	Councillor Jo Webber
	Councillor Christine Whelan

The Chairman welcomed former Councillor Andy Wright and family.

19. **PUBLIC QUESTION TIME**

No public questions were submitted.

20. **TO CONFER THE TITLE OF HONORARY ALDERMAN ON FORMER COUNCILLOR ANDREW NORMAN WRIGHT**

The Chairman, Councillor Cresswell, noted that here was an opportunity to recommend that former Councillor Andy Wright be made an Honorary Alderman following his 39 years of service to the Council. When Councillor Cresswell had returned to the Council he had noted one familiar face was missing, that of former Councillor Wright. His wisdom and friendship had been sorely missed. The Chairman then invited Councillor Schumann to address the Council.

Councillor Schumann thanked the Chairman for permitting him to take the honour of making this proposal to confer this title on former Councillor Wright. After mentioning this wish, Councillor Schumann was taken aback by the pace and commitment shown by the Chairman to ensure that this happened.

It gave Councillor Schumann great pleasure to propose Andy Wright be granted the title of Honorary Alderman to East Cambs, in appreciation of his years of service to the District Council.

Andy was first elected in 1976 and served until 2015, an incredible 39 years of unbroken tenure. Councillor Schumann wished to start by embarrassing Andy and state that he was not born until 10 years after Andy was first elected. The headlines in 1976 read 'Britain basks in glorious sunshine' and in 2013 The Mirror newspaper wrote an article stating that 1976 was 'the best ever year for the UK' – not certain that they attributed all of that to Andy being elected but perhaps it played an important part. Petrol was 77p per gallon, 19p for a loaf of bread and the super-rich were enjoying Concorde flights from Heathrow to Bahrain – Andy would tell you what that was like if anyone wanted to speak to him afterwards. It was also the year that the Genuine Progress Indicator, an economic measure which had 26 measures of economic progress, peaked. It was continued to fall ever since but not sure all could be blamed on Andy.

In 39 years of service on the District Council Andy served on no fewer than 46 different committees, sub-committees, working groups or panels, offering his time to a huge range of areas of local government from the 'Money for Value' panel to the 'Civic Relations Sub-Committee'. Those who know Andy, many of which have known him far longer, would confirm Andy's dedication and commitment to every task he undertook which serves as a constant reminder to us all of our duty as elected Members and commitment to the Council and the residents who elected us. Andy also served as Chairman on 8 different committees including Licensing, Standards and Resources. It would be amiss not to acknowledge Andy's most noteworthy appointment to the 'Big Chair' in 1988-90 when he joined the illustrious list of Council Chairmen. It seemed fitting that 1988 marked Margaret Thatcher becoming the longest serving UK Prime Minister of the Century. Forgetting the political aspect, as Andy remain Independent throughout his time at the Council, that period must have been awash with a sense of service that Andy perfectly personified. Andy's dedication to that remarkable fenland village found on the Bedford levels, the wonderful Littleport, which always remained at the centre of Andy's heart and mind.

So often Andy provided an important voice in challenging decisions and recommendations in order to ensure the best outcome was achieved and gave many occasions when Members and officers could pause for thought before proceeding. The importance of constructive challenge and criticism that Andy exemplified, whilst maintaining good humour and objectivity, should not be underestimated.

In the short time that Councillor Schumann knew Andy they had become Councillor colleagues, opposition Members, Working Group associates but most importantly friends. Councillor Schumann was making this proposal as a Councillor who felt that the Council simply must appreciate and respect the remarkable contribution made by a rather remarkable man.

With selflessness, integrity, honesty and objectivity Councillor Schumann could not think of a more deserving recipient of this honour and it seemed fitting that this was the first time this Council had bestowed this recognition. Although the price of fuel had gone up a little since 1976 the priceless contribution of Andy would stay in the mind forever. Councillors were asked to stand and acknowledge the legacy and dedication to East Cambs of epic proportions and show appreciation to Andy Wright.

Councillor Beckett seconded the proposal and had great pleasure in doing so. 15 years ago he had joined the Council with no political party, so Andy, as Group Leader, took him under his wing. So Andy mentored him, gave him appropriate guidance and advice and was always available for discussion. Over the years Andy had been a Councillor and a great statesman, providing constructive criticism when need and was always somebody that ought to be listened to. His guidance in financial matters had helped laid the foundations for the sound financial position the Council found itself in now. He had worked tirelessly for the Council and the district, desiring the best outcomes for both and he treated all staff with respect. This work had come at some personal cost to himself. It has been a pleasure to work alongside Andy and he fully deserved this honour.

Councillor Rouse stated that he and Andy had some things in common. Both their fathers had served as local councillors and both were hard acts to follow. When Andy joined the Council most of its Members were Independent Councillors and they all respect him. Councillor Rouse was delighted when Andy become Vice Chairman of Council during his tenure as Chairman, as they worked so well together attending many meetings so they both knew what was going on. Throughout Andy's long service Andy had shown his independence of mind and had not been afraid to speak out in challenge. Sometimes he was a lone voice, but they did not appear to bother him. Their encounters were friendly and full of gruff cynicism. Councillor Rouse was delighted that the Council was conferring this honour, which was fully deserved for Andy's outstanding service.

Councillor Cox had known Andy most of his life, ever since their paths had crossed when Andy needed an electrical engineer. Andy had played his part in encouraging Councillor Cox to become a parish councillor. In Andy's 39 years of service he had carried the torch of Independent councillors and Councillor Cox could not think of a more worthy person to receive this award.

Councillor Bill Hunt recalled that when he was first allocated to the Licensing Committee Andy was its Chairman. Andy's wisdom, humour and experience had been a real asset for the Council and he was an example on how to behave and give respect.

The Chairman wanted it placed on record that Councillors C and D Ambrose Smith had given their warmest congratulations to Andy for this honour.

It was unanimously resolved:

- (i) That the Council's deep appreciation of the eminent services rendered by former Councillor Andrew Wright to the Council be placed on record;
- (ii) That, in recognition, the title of Honorary Alderman be conferred on him.

The Chairman then presented Andy Wright with a framed scroll.

Andy Wright then addressed the Council and gave his thanks for the kind words spoken. He had been told that the best speeches were brief and to the point. The 39 years had gone by in a flash and he had been fortunate to meet many good people, Members, staff and constituents. He had appreciated that a good Councillor needed good staff and a good Member/staff relationship was essential. When the Honorary Alderman award was recommended he could not think of a better award, as his father had also been honoured with it by the former Ely Urban Council.

The meeting concluded at 7:07pm.



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

AGENDA ITEM NO. 14

Cambridgeshire & Peterborough Combined Authority Reports from Constituent Council Representatives on the Combined Authority

Member representatives

Meeting	Dates of Meeting	Representative
Combined Authority Board	30 May 2018	Councillor Charles Roberts Substitute: Councillor Anna Bailey
Overview and Scrutiny Committee	1 June 2018	Councillors Mike Bradley and Alan Sharp Substitutes: Councillors Julia Huffer and Chris Morris

The above meetings have taken place in May and early June.

Board meeting – Wednesday 30 May 2018

The Board met on Wednesday 30 May 2018 and the decision summary is attached at **Appendix 1**.

Overview and Scrutiny Committee –Friday 1 June 2018

The Overview and Scrutiny Committee met on Friday 1 June 2018. A summary of the committee's minutes are attached at **Appendix 2**.

The agendas and minutes of the meetings are on the Combined Authority website:

<http://cambridgeshirepeterborough-ca.gov.uk/meetings/overview-and-scrutiny-committee-1st-june-2018/?date=2018-06-01>

<http://cambridgeshirepeterborough-ca.gov.uk/meetings/cambridgeshire-and-peterborough-combined-authority-board-11/?date=2018-05-30>



CAMBRIDGESHIRE & PETERBOROUGH COMBINED AUTHORITY

Decision Summary

Meeting: 30th May 2018

Item	Topic	Decision
	Part 1 – Governance Items	
1.1	Membership of the Combined Authority	<p>The purpose of this report was to note the Members and substitute Members appointed by the Constituent Councils, and to appoint co-opted members. It was resolved:</p> <ul style="list-style-type: none"> (a) to note the Members and substitute Members appointed by constituent councils to the Combined Authority for the municipal year 2018/2019 as set out in Appendix 1; (b) to note that the Business Board would nominate a Member and substitute Member to represent them on the Combined Authority for the municipal year 2018/2019 following the appointment of private sector members of the Board and the election of the Chair and Vice-Chair of the Business Board. (c) that the following bodies be given co-opted member status for the municipal year 2018/19: <ul style="list-style-type: none"> (i) The Police and Crime Commissioner for Cambridgeshire;

		<p>(ii) Cambridgeshire and Peterborough Fire Authority representative; (iii) Clinical Commissioning Group representative.</p> <p>(d) to note the named representative and substitute representative for each organisation as set out in the report.</p>
1.2	Deputy Mayors of the Combined Authority	It was resolved to appoint Councillor Holdich, as the Constitutional Deputy Mayor, and Councillor Roberts, as the Statutory Deputy Mayor of the Combined Authority.
1.3	Announcements, Apologies and Declarations of Interest	<p>Noted announcements from the Mayor. Apologies for absence were received from Jessica Bawden who was substituted by Dr Gary Howsam.</p> <p>Councillor J Holdich OBE declared a non-statutory disclosable interest under the Code of Conduct in relation to Item 2.4: £100m Affordable Housing Programme in relation to Medesham Homes, a joint venture partnership between Peterborough City Council and Cross Keys Homes. Councillor Holdich had sought advice from the Monitoring Officer and confirmed that there was no reason he should not take part in and vote on this item.</p>
1.4	Minutes – 28 March 2018	It was resolved to approve the minutes of the meeting of 28th March 2018 as a correct record.
1.5	Petitions	None received.
1.6	Public Questions	<p>Three questions were received. A summary of the questions and responses are published at the following link:</p> <p>Item 1.6 - Public Questions</p>

1.7	Forward Plan	It was resolved to approve the draft Forward Plan of Executive Decisions to be published on 25th May 2018.
1.8	Appointment of the Overview and Scrutiny Committee	<p>The purpose of this report was to:</p> <ul style="list-style-type: none"> (a) note the political balance on constituent councils following local elections and by-elections; (b) agree the size of the Overview and Scrutiny Committee and agree the political balance on the committee (c) appoint the Members and substitute member nominated by constituent councils and confirm these appointments. <p>It was resolved to:</p> <ul style="list-style-type: none"> (a) confirm that the size of the Overview and Scrutiny Committee should be 14 members; two members from each constituent council and two substitute members for the municipal year 2018/2019; (b) agree the political balance on the committee as set out in Appendix 1; (c) confirm the appointment of the Member and substitute Member nominated by constituent councils to the Overview and Scrutiny Committee for the municipal year 2018/2019 as set out in Appendix 2.
1.9	Appointment of the Audit and Governance Committee	<p>The purpose of this report was to:</p> <ul style="list-style-type: none"> (a) agree the size and political balance of the Audit and Governance Committee; (b) appoint the members and substitute Member nominated by constituent councils to the Committee; (c) appoint the Chair and Vice-Chair to the Committee. <p>It was resolved to:</p> <ul style="list-style-type: none"> (a) confirm that the size of the Audit and Governance Committee should be 8 members; one member and one substitute from each Constituent Council and one independent person for the municipal year 2018/2019; (b) agree the political balance on the committee as set out in Appendix 1;

		<p>(c) confirm the appointment of the Member and substitute Member nominated by Constituent Councils to the Committee for the municipal year 2018/2019 as set out in Appendix 2;</p> <p>(d) appoint a Chair of the Audit and Governance Committee for the municipal year 2018/2019</p> <p>(e) agree that the Audit and Governance Committee appoint its Vice Chair for the municipal year 2018/19 in accordance with previous practice.</p>
1.10	Review of Constitution	<p>In the interests of good governance, the Board reviews its constitution annually. The Board agreed its first constitution in April 2017. There were a number of suggested changes set out in Appendix 1 of the report.</p> <p>It was resolved to:</p> <p>(a) approve the amendments to the constitution set out in Appendix 1, subject to consultation with the Overview and Scrutiny Committee on the scrutiny arrangements set out in chapter 8 of the constitution;</p> <p>(b) agree the Monitoring Officer be requested to report to the next meeting on any recommended changes proposed by the Overview and Scrutiny Committee.</p>
1.11	Calendar of Meetings	<p>The Combined Authority at its annual meeting agrees the date and time of ordinary meetings of the Board, its Committees and the Business Board for the coming Municipal Year.</p> <p>It was resolved to approve the Calendar of Meetings for 2018 / 2019 (Appendix 1).</p>
1.12	Reference from the Audit and Governance Committee	<p>The Audit and Governance Committee is responsible for reviewing corporate governance and risk management arrangements, and making recommendations to the Board for decision.</p> <p>The Committee met on 26 March 2018 and referred the following matters to the Board for decision.</p> <p>(a) Code of Corporate Governance</p>

		<p>(b) Whistleblowing Policy (c) Anti Fraud, Bribery & Corruption Policy (d) Risk Management Strategy (e) Treasury Management Strategy</p> <p>It was resolved to:</p> <ol style="list-style-type: none"> 1. approve and adopt: <ol style="list-style-type: none"> (a) the code of corporate governance (Appendix 1) (b) the whistleblowing and confidential reporting of complaints policy (Appendices 2 and 3) (c) the anti-fraud, bribery and corruption policy and strategy (Appendix 4) (d) the Corporate Risk Strategy (Appendix 5) 2. note the recommendation of the Audit and Governance Committee in relation to the Treasury Management Strategy that the Board should undertake an immediate review of its investment strategy and risk appetite to maximise the yield from funds held by the Combined Authority.
1.13	Business Board – Decision Notice	It was resolved to ratify the decisions of the Business Board meeting held on 30 April 2018.
Part 2 – Key Decisions		
2.1	Cambridgeshire and Peterborough 2030 Prospectus	<p>The prospectus set out a powerful and exciting picture of Cambridgeshire and Peterborough in 2030. It outlined the ambition and aspirations for the sustainable growth and development of Cambridgeshire and Peterborough as a vibrant and dynamic region with a well-established place on the world stage.</p> <p>It was resolved to:</p> <ol style="list-style-type: none"> (a) agree the overarching ambition and five core ambitions. (b) note the intention to commence a programme of engagement with stakeholders across the area.

		<p>(c) note the Combined Authority's Four Year Plan (Item 2.2) setting out the actions that would be taken to progress the 2030 ambitions in the period 2018/19 to 2021/22.</p> <p>(d) agree a budget of up to £40k in 2018/19 from the revenue gainshare allocation to support the launch, promotion and conversation with residents across the region.</p>
2.2	Cambridgeshire and Peterborough Four Year Plan 2018-19 – 2021-22	<p>The Cambridgeshire and Peterborough Four Year Plan set out how the Combined Authority plans to deliver its strategic growth ambitions and priority programmes in the period 2018/19 –2021/22. It brought together the plans to support delivery of the 2030 ambitions (as set out at Item 2.1) for the benefit of all our communities.</p> <p>The economic success that had been achieved to date has been facilitated by a long tradition of collaborative working and a strong track record of delivery. The Four Year Plan signalled that the Cambridgeshire and Peterborough authorities and partners will continue to work together collaboratively and strategically in delivering the plan.</p> <p>It was resolved to:</p> <p>(a) approve this first Four Year Plan.</p> <p>(b) note the intention to keep the Four Year Plan under review and to refresh it on an annual basis.</p> <p>(c) approve the draft Medium Term Financial Plan.</p> <p>(d) note the intention to present an updated draft of the Medium Term Financial Plan to the September Board meeting.</p>
2.3	Local Transport Capital Grant Allocation 2018-19	<p>The Mayor had been notified by the Department of Transport of the capital funding allocations towards local transport for the 2018/19 financial year.</p> <p>The Mayor must consult the Combined Authority before making a decision to allocate this funding to Cambridgeshire County Council and Peterborough City</p>

Council in line with the Department for Transport formula.

This funding included the Integrated Transport Block, the Highway Maintenance Block needs element, the Highway Maintenance Block incentive element, and the Pothole Action Fund.

It was resolved to:

- a) Note that the Combined Authority Board was being consulted regarding the Mayor's intention to allocate grants totalling £23,077,091 to Cambridgeshire County Council and Peterborough City Council in line with the Department for Transport formula as set out in the table below. Further details of this breakdown by funding stream were contained within the paper.
- b) the Mayor resolved to allocate the grants as set out in this paper

Constituent Council	Allocation /£
Peterborough City Council	4,863,357
Cambridgeshire County Council	18,213,734
Total	£23,77,091

2.4	£100M Affordable Housing Programme	<p>The Combined Authority successfully secured £100million from the Government as part of the devolution deal to deliver 2,000 affordable homes across Cambridgeshire and Peterborough.</p> <p>This report sought approval for the next phase of affordable housing schemes.</p> <p>It was resolved:</p> <ul style="list-style-type: none"> (a) to commit grant funding of £905,000 for the next Phase of affordable housing schemes. (b) to note that the next quarterly progress report will be to the Board in July 2018. (c) To agree that any grant funding, for this and all other affordable housing schemes, must contain grant conditions as agreed by the Chief Finance Officer in consultation with the Portfolio Holder for Fiscal Strategy.
Part 3 – Non Key Decision		
3.1	Cambridgeshire and Peterborough Independent Economic Review (CPIER)	<p>Recognising the once-in-a-generation opportunity provided by our devolution deal, the Combined Authority and Business Board have taken the bold and progressive approach of establishing an Independent Economic Commission.</p> <p>The Commission provides an exceptional standard of independent analysis and advice to inform future economic strategies and investment decisions.</p> <p>The Commission is chaired by Dame Kate Barker and since its inception in Summer 2017 has been carrying out public consultation, stakeholder engagement, and thorough economic analysis and modelling to inform strategic discussion and consideration.</p> <p>This has resulted in the publication of the interim Cambridgeshire and Peterborough Independent Economic Review this month.</p> <p>This Interim CPIER is brought before the Combined Authority Board in order that the Board can:</p>

		<ul style="list-style-type: none"> (a) Welcome the publication of the Interim CPIER as a first stage in the most in-depth economic analysis of the area ever undertaken (b) Consider the headlines and key messages that have emerged from the work to date (c) Agree the principles by which the Business Board should engage partners so that the final results of the CPIER are used to inform to develop the Local Industrial Strategy for Cambridgeshire and Peterborough <p>It was resolved to:</p> <ul style="list-style-type: none"> (a) Welcome the publication of the Interim CPIER. (b) Consider the headlines and key messages that had emerged from the Interim CPIER. (c) Consider the principles by which the Business Board should engage partners in the development of the Local Industrial Strategy, in response to the CPIER; and (d) Produce a formal response to (b) and (c) for the July meeting of the Combined Authority Board.
3.2	Mayoral Interim Transport Strategy Statement	<p>The Cambridgeshire and Peterborough Combined Authority Order 2017 transferred the local transport planning powers to the Combined Authority and created the Cambridgeshire and Peterborough Combined Authority as the local transport authority for the area. These powers include responsibility for the development of a new Local Transport Plan (LTP).</p> <p>To ensure that the Combined Authority complied with its statutory duty, an interim LTP was created. By necessity, this document was an amalgamation of the individual LTPs produced previously by Cambridgeshire County Council and Peterborough City Council. Whilst this LTP set out transport priorities for the area it was recognised that it did not fully align with the bolder transport aspirations of the Combined Authority.</p> <p>The preparation of a new LTP is a major undertaking and is currently under development and will be completed by spring 2019. This new document will address the shortfalls in</p>

		<p>the existing LTP to ensure full alignment with the Combined Authority’s bold and ambitious transport aspirations and priorities for the region. This LTP will challenge traditional approaches in how we design our transport solutions, moving towards a new model which creates a world-class public transport system which integrates metro, rail, bus and mobility services with walking and cycling facilities that supports more active travel choices.</p> <p>Until such times as the new LTP is in place, there is a need for the Combined Authority to clarify its transport priorities as is set out within this paper. This will bring confidence to residents, businesses, other partners and agencies over the long-term direction of transport in this region.</p> <p>The Combined Authority Board was asked to approve the enclosed Mayoral Interim Transport Strategy Statement.</p> <p>It was resolved to:</p> <ol style="list-style-type: none"> 1. approve the Mayoral Interim Transport Strategy Statement 2. note that a review of the features and timeframes for all transport corridors would be undertaken and completed in June and July 2018 3. note that a further report will be brought to the Combined Board on 25 July 2018.
3.3	Consent to Business Rate Supplements Order	<p>This report provided the background to the request from the Ministry of Housing, Communities and Local Government (MHCLG) for consent to the making of an Order to confer the power to levy a Business Rate Supplement on to the Mayor of Cambridgeshire and Peterborough Combined Authority in accordance with Sections 105B(1) and 107D(9) of the Local Democracy, Economic Development and Construction Act 2009.</p> <p>It was resolved to:</p> <ol style="list-style-type: none"> 1. Approve the transfer of functions to Cambridgeshire and Peterborough Combined Authority (“CPCA”) conferred by the Business Rate Supplements Act 2009. 2. Give consent on behalf of the CPCA to the making of an Order giving effect to this transfer.

		<ol style="list-style-type: none"> 3. Give delegated authority to the Legal Counsel and Monitoring Officer in consultation with the Portfolio Holder and the Mayor to approve the final draft Order in order to meet the timetable for transfer of the powers. 4. Note that the constituent councils have been requested to give their consent to the making of an Order giving effect to this transfer including the necessary delegation to approve the final draft Order 5. Note that only the draft Order can be approved, as the Order cannot be deemed finalised until it has been presented to and approved by Parliament.
3.4	Adult Education Budget (AEB) Devolution of Powers to Combined Authority	<p>To outline the process for agreeing the devolution of powers required to enable transfer of the Adult Education Budget (AEB) and associated powers for delivery of the adult education service and the timescale and proposed process for doing so. It was resolved to:</p> <ol style="list-style-type: none"> 1. Approve the transfer of functions to Cambridgeshire and Peterborough Combined Authority (“CPCA”) to ensure the successful devolution of the Adult Education Budget (“AEB”) in 2019. 2. Give consent on behalf of the CPCA to the making of an Order giving effect to this transfer. 3. Give delegated authority to the Legal Counsel and Monitoring Officer in consultation with the Portfolio Holder and the Mayor to approve the final draft Order in order to meet the timetable for transfer of the powers. 4. Note that the constituent councils had been requested to give their consent to the making of an Order giving effect to this transfer including the necessary delegation to approve the final draft Order 5. Note that only the draft Order could be approved, as the Order cannot be deemed finalised until it had been presented to and approved by Parliament
Part 4 – Finance		

4.1	Treasury Management Strategy	<p>According to its Terms of Reference, the Audit and Governance Committee shall “ensure there is effective scrutiny of the treasury management strategy and policies in accordance with CIPFA’s Code of Practice”.</p> <p>The purpose of this report was for the Board to receive the Treasury Management Strategy for 2018/19 as reviewed by the Audit and Governance Committee on 26 March 2018 and to note the Committee’s recommendation.</p> <p>The Board was asked to adopt the Treasury Management Strategy for the financial year 2018/19.</p> <p>It was resolved:</p> <ol style="list-style-type: none"> 1. to receive and adopt the Treasury Management Strategy for 2018/19. 2. to note the recommendation of the Audit and Governance Committee to undertake a review of the Combined Authority’s investment strategy and risk appetite. 3. to approve funding of up to £20k to undertake the review. 4. that responsibility for any additional minor amendments required to the Treasury Management Strategy be delegated to the Chief Finance Officer in consultation with the Portfolio holder for Fiscal Strategy. All such amendments to be circulated to the Audit and Governance Committee and members of the Combined Authority Board.
Part 5 – Date of Next Meeting		
5.1	Date of Next Meeting	It was resolved to note the date of the next meeting – Wednesday, 27 June 2018, Council Chamber, The Guildhall Market Square Cambridge CB2 3QJ

Appendix 2



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

Overview and Scrutiny Committee_ Decision Summary

Meeting: 1st June 2018

<http://cambridgeshirepeterborough-ca.gov.uk/meetings/overview-and-scrutiny-committee-1st-june-2018/?date=2018-06-01>

Chair: Cllr Lucy Nethsingha

Summary of decisions taken at this meeting

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
1.	Appointment of Chair & Vice Chair	<p>Councillor Nethsingha was nominated by Councillor Allen and seconded by Councillor Sanderson for the position of Chair.</p> <p>Councillor Sargeant was nominated by Councillor Murphy and seconded by Councillor Over for the position of Chair.</p> <p>The Committee resolved to appoint Councillor Nethsingha as Chair for the municipal year 2018/19.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>Councillor Sargeant was nominated by Councillor Murphy and seconded by Councillor Over for the position of Vice Chairman.</p> <p>The Committee resolved to appoint Councillor Sargeant as Vice Chairman for the municipal year 2018/19.</p>
2.	Apologies	Apologies received from Cllr Gehring, substituted by Cllr Holt.
3.	Declaration of Interests	There were no declarations of interest.
4.	Minutes	<p>The minutes of the meeting held on Monday 26th March 2018 were agreed as a correct record subject to the following amendments:-</p> <p>Cllr Boden requested that in future the minutes more clearly reflected the questions raised by committee members as well as the responses provided.</p> <p>Cllr Boden requested that the following point be added to the East Cambridgeshire Strategic Community Land trust Programme item that was discussed – ‘Arrangement for security hadn’t been clarified but was being worked on and a report on how loan agreement was to be amended would be brought to the Board.’</p> <p>Members raised a concern that feedback had not been received following the last committee meeting on a question regarding the Loans on Land Trust and officers advised they would look into this and get a response provided.</p> <p>The Committee discussed the proposed committee system that had been mentioned at the last O&S meeting by the Mayor, the Governance Advisor provided an update for members that discussion around this were still ongoing.</p> <p>The Committee requested that a further update on the proposed committee system be brought to the next committee and were advised that the Mayor was scheduled to attend and members could request an update at the meeting.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
5.	Key Priorities Themes - Allocation	<p>The Committee received the report which asked members to consider whether they would like to continue to cover key priority themes to monitor the work of the Combined Authority and agree which members of the Committee will be assigned to each theme.</p> <p>The following points were raised during the discussion:-</p> <ul style="list-style-type: none"> • Members discussed whether they should wait until the Mayor had confirmed the new committee system before assigning members to themes and it was decided that the committee should go ahead with the existing theme allocation and adapt as and when the Mayor announced the new committee system. • Members discussed adding Finance as a theme and whether this would impede the work of the Audit and Governance Committee. Most members felt that there was a role for the O&S Committee to consider financial implications and that it should be added as a theme. • Members felt that the Finance should be included with the existing theme of covering the work of the Mayor and Deputy Mayor's. <p>The Committee agreed to continue to have a system where members would cover key priority themes to monitor the work of Combined Authority Board.</p> <p>The members agreed to add Finance to the Mayor and Deputy Mayor theme.</p> <p>The members agreed to add the work of the Business Board to the strategy and Planning theme.</p> <p>The Committee agreed the following allocation of members to the key priority themes:</p> <p><u>Activities of Mayor, Deputy Mayor's and Finance</u></p> <p>Cllr Boden, Cllr Over, Cllr Gehring</p> <p><u>Transport and Infrastructure</u></p> <p>Cllr Sargeant, Cllr Sanderson, Cllr Chamberlain</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p><u>Skills and Employment</u></p> <p>Cllr Nethsingha and Cllr Dew</p> <p><u>Housing</u></p> <p>Cllr Allen, Cllr Murphy, Cllr Connor</p> <p><u>Strategy & Planning and Business Board</u></p> <p>Cllr Bradley and Cllr Sharp.</p>
6.	Appointments to Task and Finish Group – Mass Rapid Transport	<p>The committee received the report which asked members to appoint the membership to the working group for Mass Rapid Transport and to appoint a chair.</p> <p>The Committee resolved to appoint the following members to the task and finish group:</p> <p>Cllr Sargeant, Cllr Sanderson, Cllr Chamberlain, Cllr Allen, Cllr Bradley</p> <p>The Committee agreed that the task and finish group should appoint their Chair at the first meeting.</p>
7.	Constitution Review – Overview and Scrutiny Committee – Governance arrangements	<p>The Committee received the report which requested members review its terms of reference within the Combined Authority constitution and suggest any changes they would like to put forward as a recommendation to the Board.</p> <p>The Committee were advised that legal advice would be sought to clarify the position for the committee on their ability to scrutinise projects that had been delegated to constituent councils.</p> <p>The Committee agreed the changes put forward in the Overview and Scrutiny terms of reference.</p>
8.	Combined Authority Forward Plan	<p>The Committee agreed they would discuss items from the Combined Authority Board meeting which had been held on Wednesday 30th May 2018.</p> <p><u>£100M Affordable Housing Programme:</u></p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p>Members felt that how the ringfenced money for affordable housing was allocated was quite confusing and was not very strategic.</p> <p>Members felt that the committee should get some clarity on where affordable housing would be spread out across the county. Ask for legal advice on what was in original order, officers would feed this information back to the committee.</p> <p>Members were supportive of the idea of having a formula to work out where housing was needed around the county. It would need to take into account that the needs of each area and take into account terminology and differences between affordable housing definitions in the different areas.</p> <p>Members felt that stalled sights needed to be considered and ways to help developers get developments off the ground.</p> <p>Members requested that a report on Affordable Housing be brought to the next O&S meeting which would detail on how funding would be allocated across the area, what the future plans were in regard to affordable housing and what the priorities were. Also, how decisions are being made and who was making them.</p> <p>The Committee requested that the Mayor as the Portfolio for Housing answer questions from the committee regarding this topic at the next meeting.</p> <p>The Committee agreed that following this report at the meeting due to be held on the 25th June the committee may like to seek expert external advice on this topic.</p> <p><u>Cambridgeshire and Peterborough Independent Economic Review</u></p> <p>Members felt that they should monitor the assumptions that were being made by the Mayor on growth in the region.</p> <p>Cllr Allen felt that there should be more in the report to describe the impact of climate change on the area.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
		<p data-bbox="804 188 1402 220"><u>Mayoral Interim Transport Strategy Statement</u></p> <p data-bbox="804 252 1955 284">Members queried what plans were being put on hold as it was not clear within the report.</p> <p data-bbox="804 320 1821 352">Local Transport Plan to be produced in one year was an unrealistic timeframe.</p> <p data-bbox="804 389 2065 533">Members raised the point that as the Mayor was intending to finance certain transport plans such as the metro through Cambridge with the income gained from the new garden towns proposals which would release the land value that this could potentially cause a lot of conflict between the Mayor's plans and the existing local plans.</p> <p data-bbox="804 569 2045 676">Cllr Bradley advised that the necessity for a short delay was an attempt to prevent current plans having an impact on future long term projects; the statement needed to be viewed as a whole rather than from individual areas.</p> <p data-bbox="804 713 2011 783">Some members felt that the short term plans proposed were still important and should not be delayed.</p> <p data-bbox="804 820 1973 890">Members felt that the potential delay to schemes that were already far advanced would be detrimental and that some of the schemes were urgently needed.</p> <p data-bbox="804 927 2040 1070">The Committee discussed whether they wished to call in the report and were advised that this was not a key decision. However, some members felt that as it could have an impact on a large proportion of the population for the Combined Authority area that it should have been a key decision.</p> <p data-bbox="804 1107 1980 1177">Six members of the committee indicated they would be interested in calling in this item and agreed to meet after the committee had closed to discuss this further.</p> <p data-bbox="804 1214 2024 1284">The Committee agreed that a discussion on the Combined Authority Forward Plan should wait until after the O&S workshop due to be held on the 25th June 2018.</p>

Item	Topic	Decision <i>[None of the decisions below are key decisions]</i>
9.	Overview and Scrutiny Work Programme Report	<p>The Committee received the report which provided the Committee with the draft work programme for the Overview & Scrutiny Committee for the 2018/19 municipal year and asked them for comments and suggestions.</p> <p>Members requested that an item be added to the July agenda for members from the themes to report back to the committee.</p> <p>The Committee noted that there would be a Work Programme workshop before the O&S meeting on the 25th June 2018.</p>
10.	Date of Next Meeting	The next meeting would be held on the 25 th June 2018 at East Cambs District Council at 11:30am.

APPENDIX B2

Appendix 1

**D. OTHER COMMITTEES/JOINT COMMITTEES/OTHER
PARTNERSHIP BODIES**

**EAST CAMBRIDGESHIRE TRADING COMPANIES SHAREHOLDER
COMMITTEE**

ANGLIA REVENUES PARTNERSHIP JOINT COMMITTEE

EAST CAMBRIDGESHIRE TRADING COMPANIES SHAREHOLDER COMMITTEE

1.0 CONSTITUTION

1.1 The East Cambridgeshire Trading Companies Shareholder Committee shall comprise of 7 members of Council who shall be appointed by Full Council. Its quorum is 3. Directors of the Trading Companies may not be Members or Substitute Members of the Shareholder Committee.

1.2 In accordance with the Shareholder Agreement for the Trading Companies:

- a Shareholder Committee Meeting shall be held no less than 4 times per annum every quarter;
- the Chairman of the Shareholder Committee may call an extraordinary committee:
 - on giving not less than 6 Business Days' notice; and
 - And If the Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place, provided they are given not less than 10 Business Days' notice in writing;
- the Trading Companies shall ensure that at least one representative shall attend each meeting of the Shareholder Committee who shall be a Director and qualified to address the issues on the agenda for the meeting.

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2.0 OBJECTIVES

2.1 To scrutinise the East Cambridgeshire Trading Companies.

3.0 TERMS OF REFERENCE

3.1 To act as the Shareholder Committee for the purposes of the scrutiny of the Trading Companies and, in particular, to consider/review and make recommendations to Full Council, where relevant, on:

- the appointment of the Chairman of the Board and best practice policies in relation to such an appointment;
- the constitution of the Board of Directors;
- the Business Plans and each annual Business Plan;
- the financial performance of the Trading Companies ;
- how Council should exercise the functions flowing from its ownership of shares.

3.2 In order to discharge the functions in paragraph 3.1 above, to receive a report from the Board of Directors of each Trading Company at least twice a year quarterly which shall provide all information reasonably required for the Shareholder Committee to conduct an effective review of the following items:

- 3.2.1 the services provided by the Company, with quality performance matched against contractually agreed service levels, strategic risk assessment;
- 3.2.2 progress against the Business Plan; and and financial projections;
- 3.2.3 summary management accounts and key financial metrics including financial projections and variations. ;
- ~~3.2.4 the review of future service developments and opportunities; and~~
- ~~3.2.5 information and assessment of any additional ad-hoc requests.~~

For the avoidance of doubt, the list of items in this clause 3.2 is not exhaustive.

3.3 To comment and make recommendations, as appropriate, on the following matters relating to as set out in the Shareholders' Agreement for that particular the Trading Companies that Company/ies that are reserved for decision by Full Council.

- ~~3.3.1~~ issuing or allotting any shares;
- ~~3.3.2~~ granting any option or other interest (in the form of convertible securities or in any other form) over or in its share capital, redeeming or purchasing any of its own shares or effecting any other reorganisation of its share capital;
- ~~3.3.3~~ altering in any respect its articles of association or the rights attaching to any of its shares;
- ~~3.3.4~~ permitting the registration of any person as a Shareholder of the Company;
- ~~3.3.5~~ declaring or paying any dividend;
- ~~3.3.56~~ re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
- ~~3.3.67~~ applying for the listing or trading of any shares or debt securities on any stock exchange or market;
- ~~3.3.8~~ forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not);
- ~~3.3.79~~ amalgamating or merging with any other company or business undertaking; or
- ~~3.3.810~~ passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
- ~~3.3.911~~ changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
- ~~3.3.12~~ engaging in any business other than as contemplated by the Business Plan or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;
- ~~3.3.1013~~ appointing or removing any Director;
- ~~3.3.114~~ the grant of any power of attorney or the appointment of any agent, or the entry into any other agreement which devolves or transfers management control of the Company from the Board of Directors;
- ~~3.3.125~~ agreeing to remunerate (by payment of fees, the provision of benefits in kind or otherwise) any Director;
- ~~3.3.136~~ the entry into any service contract, terms of appointment or other agreement with a Director;
- ~~3.3.147~~ agreeing to remunerate (by payment of fees, the provision of benefits in kind or otherwise) any key employee of, or consultant to, the Company at a rate in excess of £100,000 per annum or increasing the remuneration of any such person to a rate in excess of 1% per annum;
- ~~3.3.158~~ establishing or amending any profit sharing, share option, bonus or other incentive scheme of any nature for directors or employees;
- ~~3.3.169~~ making any bonus payment to any director or key employee;
- ~~3.3.20~~ instituting, settling or compromising any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution;
- ~~3.3.1721~~ borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);
- ~~3.3.1822~~ changing its name or its registered office; or
- ~~3.3.23~~ replacing or modifying the Business Plan;
- ~~3.3.24~~ creating or granting any Security Interest over the whole or any part of its business, undertaking or assets or agreeing to do so;

- ~~3.3.25 — entering into any arrangement, contract or transaction outside the normal course of its business or otherwise than on arm's length terms;~~
- ~~3.3.26 — making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or granting any credit (other than in the normal course of trading) or giving any guarantee or indemnity; or~~
- ~~3.3.1927 — entering into an agreement to do any of the foregoing.~~

3.4 To host an annual Members Seminar update on the trading companies Shareholder meeting for all Members of the Council.

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4.0 Delegation to East Cambridgeshire Trading Companies Shareholder Committee

- 4.1 Subject to the provisions of the Council's Constitution, the Committee has delegated authority to act on behalf of the Council in relation to the above, unless:
- reserved to Council; or
 - delegated to officers under these or the other Committee terms of reference.

5.0 Delegation to Officers

5.1 The Monitoring Officer or appropriate Service Lead, are authorised to act in relation to any matter of immediate urgency, which must be dealt with before the next meeting of the Committee provided:

- the Chairman or Vice-Chairman of the Committee is consulted prior to the delegated decisions being made;
- the appropriate Service Delivery Champion is consulted prior to the delegated decisions being made;
- spokespersons of minority groups are notified immediately of any action taken under this delegated power;
- action taken is reported to the next Committee; and
- it excludes any decision, which is by law expressly vested in the Council.

5.2 There shall be delegated to the Monitoring Officer or appropriate Service Lead, the exercise of any power or function of the Council in routine matters related to the implementation of agreed Strategies, Policies and programmes, falling within established policies and procedures and within existing budgets.
For the avoidance of doubt this delegation shall include the power to authorise others to exercise such powers.

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

5.3 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below (whether Policy approval, monitoring or operational matters have been delegated to a Sub-Committee or not) under the Listed Acts or any amendment, modification or re-enactment of those Acts, or Regulations/Orders made under those Acts:

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APPENDIX B3

Appendix 2A

Dated

2018

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

and

EAST CAMBS TRADING COMPANY LIMITED

Shareholders' Agreement relating to

East Cambs Trading Company Limited

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Shareholders' agreement

Dated 20186

Parties

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

Introduction

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

Agreed terms

1 Interpretation and definitions

1.1 In this Agreement:

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

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

Board Meeting means a meeting of the Board of Directors;

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

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

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

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

Environmental Information Regulations means the Environmental Information Regulations 2004;

FOIA means the Freedom of Information Act 2000;

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

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

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

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

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

Shareholder Committee means a group which will be constituted and operate in accordance with clause 5;

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

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

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

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

2 **The business of the Company**

- 2.1 The parties acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of the markets service grounds maintenance activity and property consultancy and development services to the Council and to other customers in accordance with the Business Plan. The Company shall:
- 2.1.1 carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit, on sound commercial profit-making principles; and
- 2.1.2 transact all its business on arm's length terms.
- 2.2 The first Business Plan of the Company is in agreed form and will be approved by the Board of Directors as soon as reasonably practicable following execution of this Agreement. The Company shall circulate a revised version of the then current Business Plan to the Shareholder Committee ~~by the end of December in each year~~ **annually in line with advance of the coming financial year** and invite the Shareholder Committee to provide comments on the proposed Business Plan. Following the receipt of such comments, the Board of Directors shall (in accordance with this Agreement) consider and, if appropriate, update and revise the proposed Business Plan and forward it to the Shareholder for consent in accordance with clause 6 ~~no later than the end of January~~. No adoption, variation or replacement of any Business Plan shall take effect unless such adoption, variation or replacement has received consent in accordance with clause 6.
- 2.3 Each Business Plan shall be substantially in the format of the first Business Plan and shall be for a five year period.
- 2.4 Notwithstanding any other provision of this clause 2 following the requisite approval by the Directors of a new proposed Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.2 has not been approved in accordance with clause 6 and adopted by the Directors in accordance with this Agreement, the relevant existing Business Plan shall continue to be the Business Plan of the Company.
- 2.5 The principal place of business of the Company and the principal place for management of the Company shall be within the boundaries of East Cambridgeshire, unless otherwise agreed in writing by the Council.

3 **Conduct of the Company's affairs**

- 3.1 With the exception of those matters requiring consent pursuant to clause 6, the day-to-day management of the Company shall be vested in the Directors. Without prejudice to the generality of the foregoing, the Directors will determine the general policies of the Company and the manner in which the Business is to be carried out to those matters requiring consent pursuant to clause 6 and to any other express provisions of this Agreement.
- 3.2 The Company shall not carry out any activity which would render the holding of Shares by the Council unlawful provided that where a proposed change of law would render such shareholding unlawful the Council will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.

- 3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.
- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries at any time with any officers and employees of the Council and Members of the Shareholder Committee as designated in writing by the Council for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company and its subsidiaries shall be open to the inspection of any officers and employees designated in writing by the Council for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the Council properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any confidential information secured as a consequence of such discussions and examinations shall be kept confidential by the Council and its designated officers and employees in accordance with the terms of clause 11.
- 3.5 The Company agrees with the Council that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company and will generally keep the Council informed of the progress of the Company's business and affairs and in particular will procure that the Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Company shall not breach nor cause the Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015 or any European Directive on public procurement.
- 3.7 The Company shall:
- 3.7.1 identify the participation of the Council on all its official business stationery; and
- 3.7.2 not engage in any party political publicity.
- ~~3.8 The Company use its reasonable endeavours to ensure that:~~
- ~~3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not the Council or a person over which the Council exercises Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and~~
- ~~3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation in conformity with the Treaty on the Functioning of the European Union, which do not exert a decisive influence on the Company).~~

~~3.9 If any of the parties become aware that, for whatever reason, that the Company no longer fulfils any of the requirements of Regulation 12(4) of the Public Contracts Regulations 2015 (Teckal Non-Compliance) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other parties. Following such notification, the parties shall work together to ensure action is taken to either:~~

~~3.9.1 remedy the Teckal Non-Compliance; or~~

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

4 The Board of Directors

4.1 The Board of Directors shall consist of not less than 4 Directors.

4.2 Board Meetings shall be held no less than 4 times ~~per annum in every year and at not more than three monthly intervals~~. All Board Meetings shall be held in the United Kingdom.

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

5 Shareholder Committee

5.1 The Shareholder Committee shall not have powers to make decisions on behalf of the Council or the Company. The purpose of the Shareholder Committee shall be to:

5.1.1 recommend, where relevant, the appointment of the Chairman of the Board and approve best practice policies in relation to such an appointment;

5.1.2 receive and review and comment on or recommend any amendments to the Business Plan;

5.1.3 review the financial performance of the Company; and

5.1.4 make recommendations to the Council on how it should exercise the functions flowing from its ownership of Shares.

5.2 ~~Unless and until the Council resolves otherwise, the Shareholder Committee will be the Council's Asset Development Committee, save that e~~lected members of the Council who are appointed as Directors cannot be members (or substitutes) of the Shareholder Committee.

5.3 A Shareholder Committee Meeting shall be held no less than ~~every quarter~~four times per annum.

~~5.4~~ 5.4 The Chairman of the Shareholder Committee may call an extraordinary committee;

(i) On giving not less than 6 Business Days' notice; and

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(ii) ~~and~~ the Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place, provided they are given not less than 10 Business Days' notice in writing.

5.5 The Board of Directors shall send a report ~~at least quarterly twice a year~~ to each member of the Shareholder Committee. The report shall provide all information reasonably required for the Shareholder Committee to conduct an effective review of the following items:

5.5.1 ~~the services provided by the Company, with quality performance matched against contractually agreed service levels~~ the strategic risk assessment;

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

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

~~5.5.4~~ the review of future service developments and opportunities; and

~~5.5.5~~ information and assessment of any additional ad-hoc requests.

For the avoidance of doubt, the list of items in this clause 5.5 is not exhaustive, ~~and ad-hoc meetings of the Shareholder Committee can be called at other times in accordance with Procedure 27.4 of the East Cambridgeshire District Council Constitution.~~

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

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

5.8 The Company shall ensure that at least one representative shall attend each meeting of the Shareholder Committee who shall be a Director and qualified to address the issues on the agenda for the meeting.

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

6.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement no Company Member shall, except with the prior consent of the Council, take any action or pass any resolution in respect of:

6.1.1 issuing or allotting any shares;

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- 6.1.2 granting any option or other interest (in the form of convertible securities or in any other form) over or in its share capital, redeeming or purchasing any of its own shares or effecting any other reorganisation of its share capital;
- 6.1.3 altering in any respect its articles of association or the rights attaching to any of its shares;
- 6.1.4 permitting the registration of any person as a Shareholder of the Company;
- ~~6.1.5 declaring or paying any dividend;~~
- ~~6.1.66.1.5~~ re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
- ~~6.1.76.1.6~~ applying for the listing or trading of any shares or debt securities on any stock exchange or market;
- ~~6.1.86.1.7~~ forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not);
- ~~6.1.96.1.8~~ amalgamating or merging with any other company or business undertaking; or
- ~~6.1.106.1.9~~ passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
- ~~6.1.116.1.10~~ changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
- ~~6.1.12 engaging in any business other than as contemplated by the Business Plan or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;~~
- ~~6.1.136.1.11~~ appointing or removing any Director;
- ~~6.1.146.1.12~~ the grant of any power of attorney or the appointment of any agent, or the entry into any other agreement which devolves or transfers management control of the Company from the Board of Directors;
- ~~6.1.156.1.13~~ agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
- ~~6.1.166.1.14~~ the entry into any service contract, terms of appointment or other agreement with a Director;
- ~~6.1.176.1.15~~ agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any key employee of, or consultant to, the Company at a rate in excess of £100,000 per annum ~~or increasing the remuneration of any such person to a rate in excess of 1% per annum;~~
- ~~6.1.186.1.16~~ establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors ~~or employees;~~
- ~~6.1.196.1.17~~ making any bonus payment to any director ~~or key employee;~~

~~6.1.206.1.18 instituting, settling or compromising any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution;~~

~~6.1.246.1.19 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);~~

~~6.1.226.1.20 changing its name or its registered office; or~~

~~6.1.236.1.21 replacing or modifying the Business Plan;~~

~~6.1.24 creating or granting any Security Interest over the whole or any part of its business, undertaking or assets or agreeing to do so;~~

~~6.1.25 entering into any arrangement, contract or transaction outside the normal course of its business or otherwise than on arm's length terms;~~

~~6.1.26 making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or granting any credit (other than in the normal course of trading) or giving any guarantee or indemnity; or~~

~~6.1.276.1.22 entering into an agreement to do any of the foregoing.~~

7 **Production of accounts and reports**

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

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

7.3 The Company will provide to the Shareholder full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.

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

8 **Anti-corruption**

8.1 In this clause:

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

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

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

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

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

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

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

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

8.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause 8.2 and will provide any information reasonably requested by the other party in support of such compliance; and

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

9 **No fetter**

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

10 **Duration and termination**

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

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

11 **Confidentiality**

11.1 This clause applies to:

- 11.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to one of the other parties whether before or after the date of this Agreement;
- 11.1.2 any information concerning the business affairs of one party or other information confidential to that party which one of the other parties learns as a result of the relationship between the parties pursuant to this Agreement;
- including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).
- 11.2 In this clause, in relation to a particular item of Confidential Information:
- 11.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and
- 11.2.2 the **Receiving Party** means the other party.
- 11.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:
- 11.3.1 keep the Confidential Information confidential;
- 11.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 11; and
- 11.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.
- 11.4 Notwithstanding clause 11.3, the Receiving Party may disclose Confidential Information as follows:
- 11.4.1 to its professional advisers (each, a Recipient) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and
- 11.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.
- 11.5 This clause 11 shall not apply to any Confidential Information which:
- 11.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through breach of this Agreement by the Receiving Party or any Recipient;
- 11.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the

same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

11.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.

11.6 The Company acknowledges that the Council is subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation, and shall facilitate the Council's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 11.7 and 11.10.

11.7 If a Council receives a Request for Information in relation to Information that the Company is holding and which the Council does not hold itself, the Council shall refer to the Company such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the Company shall:

11.7.1 provide the Council with a copy of all such Information in the form that the Council requires as soon as practicable and in any event within 10 Business Days (or such other period as the Council acting reasonably may specify) of the Council's request; and

11.7.2 provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.

11.8 Following notification under clause 11.7, and up until such time as the Company has provided the Council with all the Information specified in clause 11.7, the Company may make representations to the Council as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Council shall be responsible for determining, at its absolute discretion:

11.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and

11.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the Company respond directly to a Request for Information.

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

11.9.1 in certain circumstances without consulting with the Company; or

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

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

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

12 **General**

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

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

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

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

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

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

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

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

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

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

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

12.10 Each of the parties acknowledges and agrees that:

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

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

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

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

13 **Assignment**

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

14 **No partnership or agency**

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

15 **Notices**

15.1 Any notice or other communication given under this Agreement:

15.1.1 shall be in writing;

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

15.1.3 shall be served by delivering it by hand or sending it by pre-paid recorded delivery or registered post or by fax at the address or fax number set out in clause 15.2 of the party due to receive it and marked for the attention of the person named in clause 15.2 (or at such other address in the United Kingdom or fax number or marked for the attention of such other person as last notified in writing to the other parties;

15.1.4 shall be deemed to have been received:

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

- 15.2 The addresses of the parties for the purposes of clause 15.1 are as set out at the beginning of this Agreement and the notice details and fax numbers are as follows:
- 15.3 To prove delivery it shall be sufficient to prove that the envelope containing the notice was addressed to the address of the relevant party set out in clause 15.2 and delivered either to that address or into the custody of the postal authorities as a pre-paid recorded delivery, registered post or airmail letter, or that the notice was transmitted by fax to the fax number of the relevant party set out in clause 15.2.
- 15.4 In this clause if deemed receipt occurs before 9am on a Business Day the notice shall be deemed to have been received at 9am on that day, and if deemed receipt occurs after 5pm on a Business Day, or on a day which is not a Business Day, the notice shall be deemed to have been received at 9am on the next Business Day.
- 15.5 For the avoidance of doubt, a notice or other communication given under this Agreement shall not be validly served if sent by e-mail.

16 Counterparts

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

17 Applicable law

- 17.1 The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.
- 17.2 Each of the parties irrevocably agrees to submit to the exclusive jurisdiction of the courts of England and Wales in relation to any claim or matter arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing.

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

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

Legal Services Manager/Chief Executive

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

Director

Director/Secretary

APPENDIX B4

Appendix 2B

Dated

2018~~6~~

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

and

~~[LATC]~~EAST CAMBS STREET SCENE LIMITED

Shareholders' Agreement relating to

~~[LATC]~~EAST CAMBS STREET SCENE LIMITED

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Shareholders' agreement

Dated 2018

Parties

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

Introduction

- (A) The Company was incorporated under the Companies Act 2006 on ~~[15 January 2018]~~ ~~2015~~ as a private company limited by shares. At the date of this Agreement the Company has issued share capital of 1 ordinary share of £1 owned by the Council.
- (B) This Agreement sets out the terms upon which the Council will participate in the Company as its shareholder.

Agreed terms

1 Interpretation and definitions

1.1 In this Agreement:

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

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

Board Meeting means a meeting of the Board of Directors;

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

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

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

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

Environmental Information Regulations means the Environmental Information Regulations 2004;

FOIA means the Freedom of Information Act 2000;

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

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

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

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

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

Shareholder Committee means a group which will be constituted and operate in accordance with clause 5;

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

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

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

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

2 **The business of the Company**

- 2.1 The parties acknowledge and agree that unless and until they agree otherwise, the business of the Company shall be the provision of the waste & recycling service and grounds maintenance activity to the Council and to other customers in accordance with the Business Plan. The Company shall:
- 2.1.1 carry on and conduct its business and affairs in a proper and efficient manner, for its own benefit, on sound commercial profit-making principles; and
- 2.1.2 transact all its business on arm's length terms.
- 2.2 The first Business Plan of the Company is in agreed form and will be approved by the Board of Directors as soon as reasonably practicable following execution of this Agreement. The Company shall circulate a revised version of the then current Business Plan to the Shareholder Committee annually **in in advance of line with the coming financial year** and invite the Shareholder Committee to provide comments on the proposed Business Plan. Following the receipt of such comments, the Board of Directors shall (in accordance with this Agreement) consider and, if appropriate, update and revise the proposed Business Plan and forward it to the Shareholder for consent in accordance with clause 6. No adoption, variation or replacement of any Business Plan shall take effect unless such adoption, variation or replacement has received consent in accordance with clause 6.
- 2.3 Each Business Plan shall be substantially in the format of the first Business Plan and shall be for a three year period.
- 2.4 Notwithstanding any other provision of this clause 2 following the requisite approval by the Directors of a new proposed Business Plan or an amended or updated and revised Business Plan, such draft Business Plan shall become, or such amended or updated Business Plan shall become, the Business Plan of the Company. For any period when a proposed Business Plan presented under clause 2.2 has not been approved in accordance with clause 6 and adopted by the Directors in accordance with this Agreement, the relevant existing Business Plan shall continue to be the Business Plan of the Company.
- 2.5 The principal place of business of the Company and the principal place for management of the Company shall be within the boundaries of East Cambridgeshire, unless otherwise agreed in writing by the Council.

3 **Conduct of the Company's affairs**

- 3.1 With the exception of those matters requiring consent pursuant to clause 6, the day-to-day management of the Company shall be vested in the Directors. Without prejudice to the generality of the foregoing, the Directors will determine the general policies of the Company and the manner in which the Business is to be carried out to those matters requiring consent pursuant to clause 6 and to any other express provisions of this Agreement.
- 3.2 The Company shall not carry out any activity which would render the holding of Shares by the Council unlawful provided that where a proposed change of law would render such shareholding unlawful the Council will use all reasonable endeavours to take such steps as are necessary to allow it to continue lawfully to hold its Shares.

- 3.3 The Company will if it requires any approval, consent or licence for the carrying on of its Business in the manner in which it is from time to time carried on or proposed to be carried on, use all reasonable endeavours to obtain and maintain the same in full force and effect.
- 3.4 The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries at any time with any officers and employees of the Council and Members of the Shareholder Committee designated in writing by the Council for this purpose. All books, records, accounts and documents relating to the business and the affairs of the Company and its subsidiaries shall be open to the inspection of any officers and employees designated in writing by the Council for this purpose, who shall be entitled to make any copies thereof as he or she deems appropriate to keep the Council properly informed about the business and affairs of the Company or to protect its interests as a Shareholder. Any confidential information secured as a consequence of such discussions and examinations shall be kept confidential by the Council and its designated officers and employees in accordance with the terms of clause 11.
- 3.5 The Company agrees with the Council that it will maintain effective and appropriate control systems in relation to the financial, accounting and record-keeping functions of the Company and will generally keep the Council informed of the progress of the Company's business and affairs and in particular will procure that the Shareholder is given such information and such access to the officers, employees and premises of the Company as it may reasonably require for the purposes of enabling it to monitor its investment in the Company and to comply with its obligations under the Prudential Code for Local Authorities.
- 3.6 The Company shall not breach nor cause the Council to be in breach of the relevant provisions of the Local Authorities (Companies) Order 1995, Part V of the Local Government and Housing Act 1989 or the Local Government Public Involvement in Health Act 2007 or its obligations under the Public Contracts Regulations 2015 or any European Directive on public procurement.
- 3.7 The Company shall:
- 3.7.1 identify the participation of the Council on all its official business stationery; and
 - 3.7.2 not engage in any party political publicity.
- 3.8 The Company use its reasonable endeavours to ensure that:
- 3.8.1 no more than 19.99% of the total average annual turnover of the Company in any period of three financial years shall derive from activities undertaken for any person who is not the Council or a person over which the Council exercises Control (and for the purposes of this obligation only Control shall have the meaning attributed to it in Regulation 12(3) or 12(5) of the Public Contracts Regulations 2015); and
 - 3.8.2 the Company shall not accept any direct private capital participation (with the exception of non-controlling and non-blocking forms of private capital participation as may be required by English legislation in conformity with the Treaty on the Functioning of the European Union, which do not exert a decisive influence on the Company).

3.9 If any of the parties become aware that, for whatever reason, that the Company no longer fulfils any of the requirements of Regulation 12(4) of the Public Contracts Regulations 2015 (Teckal Non-Compliance) or such Teckal Non-Compliance is likely to occur, it shall immediately notify the other parties. Following such notification, the parties shall work together to ensure action is taken to either:

3.9.1 remedy the Teckal Non-Compliance; or

3.9.2 take steps to prevent such Teckal Non-Compliance occurring

4 **The Board of Directors**

4.1 The Board of Directors shall consist of not less than 4 Directors.

4.2 Board Meetings shall be held no less than 4 times ~~per annum in every year~~ and at not more than ~~three monthly intervals~~. All Board Meetings shall be held in the United Kingdom.

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

5 **Shareholder Committee**

5.1 The Shareholder Committee shall not have powers to make decisions on behalf of the Council or the Company. The purpose of the Shareholder Committee shall be to:

5.1.1 recommend, where relevant, the appointment of the Chairman of the Board and approve best practice policies in relation to such an appointment;

5.1.2 receive and review and comment on or recommend any amendments to the Business Plan;

5.1.3 review the financial performance of the Company; and

5.1.4 make recommendations to the Council on how it should exercise the functions flowing from its ownership of Shares.

5.2 Elected members of the Council who are appointed as Directors cannot be members (or substitutes) of the Shareholder Committee.

5.3 A Shareholder Committee Meeting shall be held no less than ~~every quarter~~ four times per annum.

~~5.4~~ 5.4 The Chairman of the Shareholder Committee may call an extraordinary committee;

(i) On giving not less than 6 Business Days' notice; and

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(ii) ~~and~~ the Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place, provided they are given not less than 10 Business Days' notice in writing.

5.5 The Board of Directors shall send a report ~~at least quarterly twice a year~~ to each member of the Shareholder Committee. The report shall provide all information reasonably required for the Shareholder Committee to conduct an effective review of the following items:

5.5.1 the ~~services provided by the Company~~ strategic risk assessment;

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

~~5.5.3~~ 5.5.2 summary management accounts and key financial metrics including financial projections and variations.; and

~~5.5.4 information and assessment of any additional ad-hoc requests.~~

For the avoidance of doubt, the list of items in this clause 5.5 is not exhaustive, ~~and ad-hoc meetings of the Shareholder Committee can be called at other times in accordance with Procedure 27.4 of the East Cambridgeshire District Council Constitution.~~

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

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

5.8 The Company shall ensure that at least one representative shall attend each meeting of the Shareholder Committee who shall be a Director and qualified to address the issues on the agenda for the meeting.

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

6.1 Each of the parties shall take all such steps and do all such acts and things as may be necessary or desirable, including, without limitation, exercising all voting and other rights and powers of control available to it in relation to the Company, so as to procure (insofar as it is able to do so by the exercise of those rights and powers) that at all times during the term of this Agreement no Company Member shall, except with the prior consent of the Council, take any action or pass any resolution in respect of:

6.1.1 issuing or allotting any shares;

- 6.1.2 granting any option or other interest (in the form of convertible securities or in any other form) over or in its share capital, redeeming or purchasing any of its own shares or effecting any other reorganisation of its share capital;
- 6.1.3 altering in any respect its articles of association or the rights attaching to any of its shares;
- 6.1.4 permitting the registration of any person as a Shareholder of the Company;
- ~~6.1.5 declaring or paying any dividend;~~
- ~~6.1.6~~ 6.1.5 re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
- ~~6.1.7~~ 6.1.6 applying for the listing or trading of any shares or debt securities on any stock exchange or market;
- ~~6.1.8~~ 6.1.7 forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not);
- ~~6.1.9~~ 6.1.8 amalgamating or merging with any other company or business undertaking; or
- ~~6.1.10~~ 6.1.9 passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
- ~~6.1.11~~ 6.1.10 changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
- ~~6.1.12 engaging in any business other than as contemplated by the Business Plan or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business;~~
- ~~6.1.13~~ ~~6.1.10~~ appointing or removing any Director;
- ~~6.1.14~~ 6.1.11 the grant of any power of attorney or the appointment of any agent, or the entry into any other agreement which devolves or transfers management control of the Company from the Board of Directors;
- ~~6.1.15~~ 6.1.12 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
- ~~6.1.16~~ 6.1.13 the entry into any service contract, terms of appointment or other agreement with a Director;
- ~~6.1.17~~ ~~6.1.14~~ agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any key employee of, or consultant to, the Company at a rate in excess of £100,000 per annum ~~or increasing the remuneration of any such person to a rate in excess of 1% per annum;~~
- ~~6.1.18~~ ~~6.1.15~~ establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors ~~or employees;~~
- ~~6.1.19~~ ~~6.1.16~~ making any bonus payment to any director ~~or key employee;~~

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~~6.1.20 instituting, settling or compromising any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution;~~

~~6.1.24~~ 6.1.17 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);

~~6.1.22~~ 6.1.18 changing its name or its registered office; or

~~6.1.23~~ 6.1.11 replacing or modifying the Business Plan;

~~6.1.24 creating or granting any Security Interest over the whole or any part of its business, undertaking or assets or agreeing to do so;~~

~~6.1.25 entering into any arrangement, contract or transaction outside the normal course of its business or otherwise than on arm's length terms;~~

~~6.1.26 making any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or granting any credit (other than in the normal course of trading) or giving any guarantee or indemnity; or~~

~~6.1.27~~ 6.1.19 entering into an agreement to do any of the foregoing.

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7 Production of accounts and reports

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

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

7.3 The Company will provide to the Shareholder full details of any actual or prospective material change in the Business or the financial position or affairs of the Company, as soon as such details are available.

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

8 Anti-corruption

8.1 In this clause:

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

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

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

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

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

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

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

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

8.2.5 from time to time, at the reasonable request of the other party, it will confirm in writing that it has complied with its undertakings under this clause 8.2 and will provide any information reasonably requested by the other party in support of such compliance; and

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

9 **No fetter**

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

10 **Duration and termination**

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

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

11 **Confidentiality**

11.1 This clause applies to:

- 11.1.1 all information of a confidential nature disclosed (whether in writing, verbally or by any other means and whether directly or indirectly) by one party to one of the other parties whether before or after the date of this Agreement;
- 11.1.2 any information concerning the business affairs of one party or other information confidential to that party which one of the other parties learns as a result of the relationship between the parties pursuant to this Agreement;
- including any information relating to any party's products, operations, processes, plans or intentions, product information, know-how, design rights, trade secrets, market opportunities and business affairs (together, **Confidential Information**).
- 11.2 In this clause, in relation to a particular item of Confidential Information:
- 11.2.1 the **Disclosing Party** means the party by whom (or on whose behalf) that Confidential Information is disclosed or (where there is no such disclosure) the party to whom the Confidential Information relates, or to whom the Confidential Information is proprietary or who otherwise desires that the confidentiality of the Confidential Information is respected; and
- 11.2.2 the **Receiving Party** means the other party.
- 11.3 During the term of this Agreement and after termination of this Agreement for any reason whatsoever, the Receiving Party shall:
- 11.3.1 keep the Confidential Information confidential;
- 11.3.2 not disclose the Confidential Information to any other person other than with the prior written consent of the Disclosing Party or in accordance with this clause 11; and
- 11.3.3 not use the Confidential Information for any purpose other than the performance of its obligations and the exercise of its rights under this Agreement.
- 11.4 Notwithstanding clause 11.3, the Receiving Party may disclose Confidential Information as follows:
- 11.4.1 to its professional advisers (each, a Recipient) providing the Receiving Party ensures that each Recipient is made aware of and complies with all the Receiving Party's obligations of confidentiality under this Agreement as if the Recipient was a party to this Agreement; and
- 11.4.2 to other parties to this Agreement, and where disclosure is required by law, by any court of competent jurisdiction or by any appropriate regulatory body.
- 11.5 This clause 11 shall not apply to any Confidential Information which:
- 11.5.1 is at the date of this Agreement or at a later date comes into the public domain other than through breach of this Agreement by the Receiving Party or any Recipient;
- 11.5.2 was known by the Receiving Party before receipt from (or on behalf of) the Disclosing Party (or, as appropriate, before the Receiving Party learnt of the

same pursuant to this Agreement) and which had not previously been obtained under an obligation of confidence; or

11.5.3 subsequently comes lawfully into the Receiving Party's possession from a third party, free of any obligation of confidence.

11.6 The Company acknowledges that the Council is subject to the requirements of the FOIA, the Environmental Information Regulations and other access to information and propriety controls as provided in legislation, and shall facilitate the Council's compliance with its Information disclosure requirements pursuant to and in the manner provided for in clauses 11.7 and 11.10.

11.7 If a Council receives a Request for Information in relation to Information that the Company is holding and which the Council does not hold itself, the Council shall refer to the Company such Request for Information as soon as practicable and in any event within five (5) Business Days of receiving a Request for Information, and the Company shall:

11.7.1 provide the Council with a copy of all such Information in the form that the Council requires as soon as practicable and in any event within 10 Business Days (or such other period as the Council acting reasonably may specify) of the Council's request; and

11.7.2 provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a Request for Information within the time for compliance set out in Section 10 of the FOIA or Regulation 5 of the Environmental Information Regulations.

11.8 Following notification under clause 11.7, and up until such time as the Company has provided the Council with all the Information specified in clause 11.7, the Company may make representations to the Council as to whether or not or on what basis Information requested should be disclosed, and whether further information should reasonably be provided in order to identify and locate the information requested, provided always that the Council shall be responsible for determining, at its absolute discretion:

11.8.1 whether Information is exempt from disclosure under the FOIA and the Environmental Information Regulations; and

11.8.2 whether Information is to be disclosed in response to a Request for Information, and in no event shall the Company respond directly to a Request for Information.

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

11.9.1 in certain circumstances without consulting with the Company; or

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

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

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

12 **General**

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

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

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

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

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

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

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

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

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

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

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

12.10 Each of the parties acknowledges and agrees that:

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

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

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

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

13 **Assignment**

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

14 **No partnership or agency**

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

15 **Notices**

15.1 Any notice or other communication given under this Agreement:

15.1.1 shall be in writing;

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

15.1.3 shall be served by delivering it by hand or sending it by pre-paid recorded delivery or registered post or by fax at the address or fax number set out in clause 15.2 of the party due to receive it and marked for the attention of the person named in clause 15.2 (or at such other address in the United Kingdom or fax number or marked for the attention of such other person as last notified in writing to the other parties;

15.1.4 shall be deemed to have been received:

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

- 15.2 The addresses of the parties for the purposes of clause 15.1 are as set out at the beginning of this Agreement and the notice details and fax numbers are as follows:
- 15.3 To prove delivery it shall be sufficient to prove that the envelope containing the notice was addressed to the address of the relevant party set out in clause 15.2 and delivered either to that address or into the custody of the postal authorities as a pre-paid recorded delivery, registered post or airmail letter, or that the notice was transmitted by fax to the fax number of the relevant party set out in clause 15.2.
- 15.4 In this clause if deemed receipt occurs before 9am on a Business Day the notice shall be deemed to have been received at 9am on that day, and if deemed receipt occurs after 5pm on a Business Day, or on a day which is not a Business Day, the notice shall be deemed to have been received at 9am on the next Business Day.
- 15.5 For the avoidance of doubt, a notice or other communication given under this Agreement shall not be validly served if sent by e-mail.

16 Counterparts

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

17 Applicable law

- 17.1 The parties agree that this Agreement and any dispute or claim arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing, shall be governed by and construed in accordance with English law.
- 17.2 Each of the parties irrevocably agrees to submit to the exclusive jurisdiction of the courts of England and Wales in relation to any claim or matter arising out of or in connection with this Agreement, its negotiation or its subject matter, or any non-contractual obligation arising in connection with the foregoing.

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

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

Legal Services Manager/Chief Executive

EXECUTED AS A DEED by ~~EAST CAMBS~~)
~~TRADING COMPANY LIMITED(LATC)~~East Cambs Street Scene Limited in the)
presence of:)

Director

Director/Secretary

APPENDIX 3 – MEMORANDUM OF UNDERSTANDING

THE SHAREHOLDER INTEREST

The Shareholder Committee recognises its duty to full Council, as the representative of the sole shareholder, to monitor the performance, resilience and risks of the Council's Trading Companies and make recommendations, where appropriate.

The Shareholder Committee, acting as a "critical friend", wants to work in partnership with the Council's trading companies on a proactive basis to ensure their success, specifically:

- Focus and provide effective feedback on the key strategic risks affecting the effectiveness and efficiency of the Council's trading companies;
- Promote an understanding of the Council's trading companies to the membership of the Council and the wider community;
- Learn the lessons from completed projects and make appropriate recommendations.

The Shareholder Committee recognises that:

- The efficient and effective working of the Council's trading companies are essential to the achievement of the Council's corporate objectives;
- The trading companies are central to the achievement of the Council's medium term financial strategy and its long term financial sustainability and self-sufficiency;
- The operational independence and integrity of the Council's trading companies are essential to their effective working and profitability.

SHAREHOLDER COMMITTEE – 28TH JUNE 2018 – SUMMARY OF KEY CHANGES – highlighted in yellow on the Terms of Reference and Shareholder Agreements

Appendix 1 – Terms of Reference for East Cambridgeshire Trading Companies Shareholder Committee

Paragraph 3.2 – ADD the words “For the avoidance of doubt, the list of items in this clause 3.2 is not exhaustive” at the end of the paragraph. (This would ensure that this paragraph mirrors the corresponding paragraph in both company’s Shareholders’ Agreement at paragraph 5.5 in both Shareholders’ Agreements).

Paragraph 3.2 – AMEND to reflect the Board of Directors send a report **quarterly** to the Shareholder Committee and not twice a year.

Paragraph 3.3 – AMEND the sentence to read “To comment and make recommendations, as appropriate, on the matters as set out in the Shareholders’ Agreement for that particular Trading Company that are reserved for decision by Full Council”.

Paragraph 3.4 - DELETE “To host an annual Shareholder meeting for all Members of the Council” and ADD “a Members’ Seminar Update on the trading companies”.

Appendix 2 – Shareholder Agreements for ECSS Limited and ECTC Limited (not differentiating between Appendix 2A and 2B as these are intended to be common changes)

Paragraph 2.2 – DELETE the words “by the end of December in each year” and ADD the words “annually **in advance of** the coming financial year”.

Paragraph 3.4 – ADD the words “and Members of the Shareholder Committee as” after the words “any officers and employees” in the first sentence, and ADD the words “of the Council” after “employees” and DELETE reference to Members. For the avoidance of doubt, the sentence would then read “The Company shall permit any Director to discuss the affairs, finances and accounts of the Company and its subsidiaries at any time with any officers and employees of the Council and the Shareholder Committee as designated in writing by the Council for this purpose”.

Paragraph 5.5 – AMEND to reflect the Board of Directors send a report **quarterly** to the Shareholder Committee and not twice a year.

Paragraph 5.7 – REINSTATE the first sentence in its entirety (for the avoidance of doubt, the sentence commencing “The Company shall supply members of the Shareholder Committee etc.”) and ADD the words “on request” to the second sentence so that it reads “The Company will supply the members of the Shareholder Committee **on request** with all information and data reasonably requested by the Shareholder Committee to enable it to reach an informed judgment on any matter within its purview”.

Paragraph 6.1 – REINSTATE the sentence “forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not)” and REINSTATE the sentence “replacing or modifying the Business Plan”.

Appendix 3 – Modus Operandi – please see the amended Modus Operandi (now entitled Memorandum of Understanding).

SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES

Committee: Council

Date: 12 July 2018

Author: Adrian Scaites-Stokes, Democratic Services Officer

[T46]

Member Body	Report No.
<p>1. RESOURCES AND FINANCE COMMITTEE – 18 JUNE 2018</p> <p><u>2017/18 Treasury Operations Annual Performance Review</u></p> <p>The Committee considered a report (reference T28, previously circulated) which summarised the Council's Treasury operations during 2017/18. The Finance Manager highlighted the interest received during the financial year of £208,050, which was £108,050 above the budget of £100,000. This figure was made up of £69,894 from investment in money markets and £138,156 from the Loan to ECTC and equated to an average interest rate of 0.387% across the year.</p> <p>There being no comments made or questions asked,</p> <p>It was resolved to RECOMMEND TO COUNCIL:</p> <p>That the report on the Council's treasury operations during 2017-18, including the prudential and treasury indicators as set out in Appendix 1 be approved.</p>	<p>Draft Minutes</p> <p>T28 (attached at Appendix A)</p>

2. SHAREHOLDER COMMITTEE – 28 JUNE 2018

Future Role of the Shareholder Committee

The Committee considered a report, reference T40, previously circulated, that detailed proposed revisions to the roles and terms of reference of the Shareholder Committee.

The Chief Executive advised the Committee that the intention of the report was to obtain a recommendation from the Committee to full Council. The role the Shareholder Committee had changed for a number of reasons. The Trading Company had been established in 2016, but since then there had been some significant developments, including its own operation and the subsequent establishment of another company. This had been needed to ensure a teckal compliant company could take on the waste service, as the work of the Trading Company had expanded. This had been more than expected, particularly the work related to Community Land Trusts (CLTs). The Council needed to be flexible to take advantage of commercial opportunities. It was looking for loans to enable its work to take place, with wider loans from the Cambridgeshire and Peterborough Combined Authority part of its plan. The Trading Company's work delivering key schemes had started to attract interest, both from within the district and beyond.

It was fair to say that the current arrangements with the Committee were not entirely satisfactory. This was not a surprise, given the new Committee and the fast moving agenda. Consideration would be given on how relevant information could be presented to the Committee. The current arrangements were overly prescriptive, did not allow for a focus on the work being done nor the strategic risks and were not fit-for-purpose. This placed constraints on the companies where flexibility to operate was essential.

Therefore there was a requirement to revise the Committee's terms of reference and Appendix 1 set out proposals for that. The Shareholder Agreements also needed updating and this were set out in Appendix 2. Thanks were offered to the Legal Services Manager for her assistance in drawing up those documents.

For the first time a Modus Operandi was proposed, as set out in Appendix 3, to make clear the principles of how the arrangements would work. An amendment to Appendix 3 was recommended, to highlight that lessons learnt from

Draft Minutes

T40 (attached at Appendix B1)

Includes Appendices to T40, as amended subsequent to Committee meeting (attached as Appendices B2, B3, B4 and B5.

N.B. A summary of the Committee's amendments are included on the last page.

completed projects and appropriate recommendations could be made for the future.

Councillor Mike Bradley thought it appropriate that a review be considered as the Committee was a year old. Some Members had been unhappy with how the Committee was working. The recommendations would allow the Committee to act more like an overview and scrutiny committee. As the Combined Authority had lent some money for the Haddenham CLT, but some Combined Authority Members had concerns about that funding. These are issues that the Committee should look at before the event and therefore become more pro-active. This would result in the Committee being able to go to Council with relevant recommendations. Appendix 3 set out the principles of how the Committee would work.

Councillor Bradley asked that there be some consistency with the documents when using acronyms of the companies involved.

Councillor Alan Sharp thought that the Committee had focussed too much on operational matters in the past, but should be considering risk managements and be a 'critical friend'. The Committee had to fill two roles on behalf of Council, by looking in detail and putting forward helpful suggestions plus it was also important to review projects.

Councillor Lorna Dupré was hearing different descriptions of the Committee and stated it was not an overview and scrutiny committee, as it could not call in any decision made by the companies. If it was a project team then it was not clear how the Committee was that way involved. It was also not the role of the Committee to champion the Trading Company. Therefore Appendix 3 did not give a clear indication what the Committee's role should be.

Councillor David Chaplin reckoned that the Committee's two roles were to represent and protect the Council and also to act as a critical friend to the companies. These two responsibilities had to be kept separate, which would be difficult. The Committee should not have to delve into details but needed to know the processes in place and how matters were dealt with. The Committee's work principles needed to be looked at and any potential conflict dealt with.

There was no surety that the report could be recommended to Council as it stood. For example, there were concerns relating to section 6.1.18 in reference to borrowing powers.

This was a challenge for the Committee as both its roles were crucial. He also proposed a rewording of Appendix 3.

The Chief Executive acknowledged that Members had expressed fundamental changes to Appendix 3. All Members would have a chance to look at this again when it was presented to full Council. The other two recommendations could be made and exclude Appendix 3. An alternative could be drafted, in consultation with the Committee Chairman, and brought to Council. The Committee were content with that suggestion.

Councillor Lorna Dupré expressed concern that it appeared clear that the role of the Committee was being closed down. It appeared odd that the Shareholder Committee could sign off the business plan but not for any amendments to it. The proposed terms of reference withdrew whole areas of discussion including review of future service developments, entering outside business arrangements or loans. The proposed annual shareholder meeting gave no information on the information that would be provided or any suggestion on what business would be discussed by full Council. It seemed that only risk assessments would be discussed. It was assumed that members of the companies' boards would be excluded from that meeting, due to a conflict of interest.

The Chief Executive explained that the annual meeting was intended to reflect how the commercial operation of the companies was working. All Members would be given details of the business operations and would allow them to be fully briefed. It would also assist Members to appreciate the risk assessments. The annual meeting would provide relevant information and more details could be presented to this Committee if required.

Councillor Mike Bradley thought the annual meeting could allow consideration of business opportunities and set out what the companies aimed to achieve. Information would also be given to Members on what was happening.

Councillor David Chaplin considered it nonsense that the Committee could veto proposed business plans but not any amendments to them. Steps should be in place to ensure that the Shareholder Agreements were adhered to. The Agreements were the mechanism the Committee used to carry out its work. There was also a duplication in work, as the Constitution should not copy the information of the Agreements.

The Chief Executive stated that he had been over-cautious and acknowledged that it did replicate the Shareholder Agreements. This could be changed in accordance with Councillor Chaplin's suggestion.

Councillor Alan Sharp asked how Members could delve into the accounts, as only a summary would be provided. Could this be accomplished during a Committee meeting or could information be set out afterwards? The companies completed their accounts on a monthly basis, so they should be presented to the Committee quarterly. The Committee was not there to manage the finances of the companies but should be given quarterly information.

Councillor Mike Bradley did not believe that this would limit what the Committee could do, as it could look at the accounts. The Committee was reminded that it received copies of the Boards' minutes, so nothing was hidden. The Committee should not get lost in the details but Members could raise issues.

In response to Councillor Lorna Dupré's queries, the Legal Services Manager confirmed that the Boards could not make any decisions on matters reserved for full Council but the removal of certain matters meant that the Boards make decisions on those issues. Councillor Dupré thought that consequently the Committee had no right to discuss some matters but would only be given information on progress against the business plan and a summary of accounts. Seeking to investigate these matters further would be ultra vires, as the decisions were entirely the responsibility of the Boards.

The Chief Executive reminded the Committee that it would still receive reports and the proposed Agreements were much wider ranging. Paragraph 3.3 allowed the Committee to bring the companies to account, as set out in the Agreements.

Councillor Lorna Dupré, in reference to the Agreements paragraph 2.2, questioned the wording "in line with the coming financial year" relating to the circulation of the companies' business plans. The document needed to be more specific and give a reasonable timescale. Paragraph 3.4, did the reference to the Shareholder Committee Members mean corporately or individually? The words "Members of" should be removed to clarify the intention. Paragraph 5.7, it was noted that the requirement to supply board agendas and papers had been deleted. Councillor Dupré could not recall ever having received such papers.

There was some surprised that this had been taken out and this should be re-instated, to give the Committee a view of what was going on. The Committee had a clear right to access these and needed to know when the board meetings were being held.

The Chief Executive stated that the circulation of the business plans happened at the end of December, whereas the new proposal meant that they could be provided at any time, which gave some flexibility. The reference to discussing matters meant corporately rather than individual Members.

Councillor Mike Bradley agreed that the request of board papers was reasonable but regular documents were received regularly. Extra information could be obtained if wanted.

The Chief Executive acknowledged that the terms of reference needed looking at again, to simplify them. The remit of the Shareholder Committee was wide and there had been no intention to reduce the information available to it. The aim would be to provide information on strategy risks prior to implementation, which the companies had to provide.

Councillor Mike Bradley stated that there was no intention of not providing information but had to accept that it would not be exhaustive. If Members wanted specific information this could be obtained. However, he did not wish for Members to receive lots of information that they did not need, or want, to see. The right information had to go to the right people.

Councillor David Chaplin put a request in for information to be sent electronically. He had no wish to see monthly board papers and would be happy with a quarterly report. It was not the job of this Committee to run the companies and any attempt to so do would be a distraction for the boards. Other members could receive additional papers if they so requested. There had to be some awareness should any joint venture with an outside body agreed by the trading company be a problem for the Council.

Councillor Lorna Dupré then requested to see all monthly papers and promised not to bombard the boards with queries. The Committee Members should resume the right to exercise due diligence. The Committee should focus on and scrutinise the bigger issues. However, some of these could come from smaller issues.

The Chief Executive agreed to add the wording “on request” to paragraph 5.7. The purpose of that clause was to focus more on risk assessments. This would be a new way of working and it would have to be seen how it worked out. The Committee was reminded that the Chairman could call an extraordinary meeting should any major concerns arise. This would also allow the board to approach the Chairman for the same reason. It would be entirely appropriate for Members to raise issues should any joint ventures cause concerns.

The Chief Executive agreed to revise the terms of reference and agreements in line with comments and suggestions raised by the Committee. He amended the recommendations by including “Amended in consultation with the Chairman of the Shareholder Committee” and removing the word “endorse” from paragraph 2.1 (iii). This was duly proposed and seconded and, when put to the vote, was declared carried.

It was resolved to RECOMMEND TO COUNCIL:

As amended in consultation with the Chairman of the Shareholder Committee:

- (i) The revision to the terms of reference of the Shareholder Committee detailed in Appendix 1;**
- (ii) The revisions to the Shareholder Agreements detailed in Appendix 2;**
- (iii) The ‘modus operandi’ detailed in Appendix 3.**

TITLE: 2017/18 TREASURY OPERATIONS ANNUAL PERFORMANCE REVIEW

Committee: Resources and Finance Committee

Date: 18th June 2018

Author: Finance Manager

1.0 ISSUE

1.1 To report on the Council's treasury operations during 2017/18

1.2 The report reviews the Treasury Management activity during the financial year 2017/18 and reports on the prudential indicators as required by CIPFA's Treasury Management Code of Practice.

1.3 Investments totalled £4,850 million as at 31 March 2018, a decrease of £12.09 million on the previous year. The Council's cash investments are all for periods of less than one year.

1.4 Interest received during the financial year was £208,050, which was £108,050 above the budget of £100,000. This figure is made up of £69,894 from investment in money markets and £138,156 from the loan to ECTC. The investments in money markets generated an average interest rate of 0.387% across the year.

1.5 The rate of return on cash investments held as at 31st March 2018 (this excludes the loan to ECTC) was 0.384%. This was above the benchmark three month LIBID (London Inter-bank Bid Rate) which was 0.286% on that day.

2.0 RECOMMENDATION

2.1 Members are asked to note the contents of the report and recommend to Full Council approval of the report on the Council's treasury operations during 2017-18, including the prudential and treasury indicators as set out in Appendix 1.

3.0 BACKGROUND/INTRODUCTION

3.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2017/18. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

- 3.2 During 2017/18 the minimum reporting requirements were that Full Council should receive the following reports:
- an annual treasury strategy in advance of the year (received by Council on the 23rd February 2017);
 - a mid-year treasury update report, (this was approved by Resources and Finance Committee on 30th November 2017 and went to Full Council on the 4th January 2018);
 - an annual review following the end of the year, describing the activity compared to the strategy (this report).
- 3.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 3.4 This Council confirms that it has complied with the requirement under the Code, to give prior scrutiny to all of the above treasury management reports by the Resources and Finance Committee, before they were reported to the Full Council.
- 3.5 No member training on treasury management was undertaken during the year.

4.0 THE ECONOMY AND INTEREST RATES

During the calendar year of 2017, there was a major shift in expectations in financial markets in terms of how soon Bank Rate would start on a rising trend. After the UK economy surprised on the up-side with strong growth in the second half of 2016, growth in 2017 was disappointingly weak in the first half of the year which meant that growth was the slowest for the first half of any year since 2012. The main reason for this was the sharp increase in inflation caused by the devaluation of sterling after the EU referendum, feeding increases into the cost of imports into the economy. This caused a reduction in consumer disposable income and spending power as inflation exceeded average wage increases. Consequently, the services sector of the economy, accounting for around 75% of GDP, saw weak growth as consumers responded by cutting back on their expenditure. However, growth picked up modestly in the second half of 2017. Consequently, market expectations, during the autumn, rose significantly that the Monetary Policy Committee (MPC) would be heading in the direction of imminently raising Bank Rate. The minutes of the MPC meeting of 14 September 2017 indicated that the MPC was likely to raise Bank Rate very soon. The 2 November 2017 MPC quarterly Inflation Report meeting duly delivered by raising Bank Rate from 0.25% to 0.50%.

The 8 February MPC meeting minutes then revealed another sharp hardening in MPC warnings on a more imminent and faster pace of increases in Bank Rate than had previously been expected.

Market expectations for increases in Bank Rate, therefore, shifted considerably during the second half of 2017-18 and resulted in investment rates from 3 – 12 months increasing sharply during the spring quarter.

5.0 OVERALL TREASURY POSITION AS AT 31ST MARCH

5.1 At the beginning and the end of 2017/18 the Council's treasury position was as follows:

	<i>31 March 2017</i>	<i>31 March 2018</i>
Total debt	£0.00 million	£0.00 million
Total investments	£16.94 million	£4.85 million

6.0 THE STRATEGY FOR 2017/18

6.1 The expectation for interest rates within the treasury management strategy for 2017/18 anticipated that Bank Rate would not start rising from 0.25% until quarter 2 2019 and then only increase once more before 31 March 2020. There would also be gradual rises in medium and longer term fixed borrowing rates during 2017/18 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

6.2 In this scenario, the treasury strategy was to avoid as far as possible external borrowing in 2017/18 therefore avoiding the cost of holding higher levels of investments and to reduce counterparty risk.

6.3 During 2017/18, longer term PWLB rates were volatile but with little overall direction, whereas shorter term PWLB rates were on a rising trend during the second half of the year.

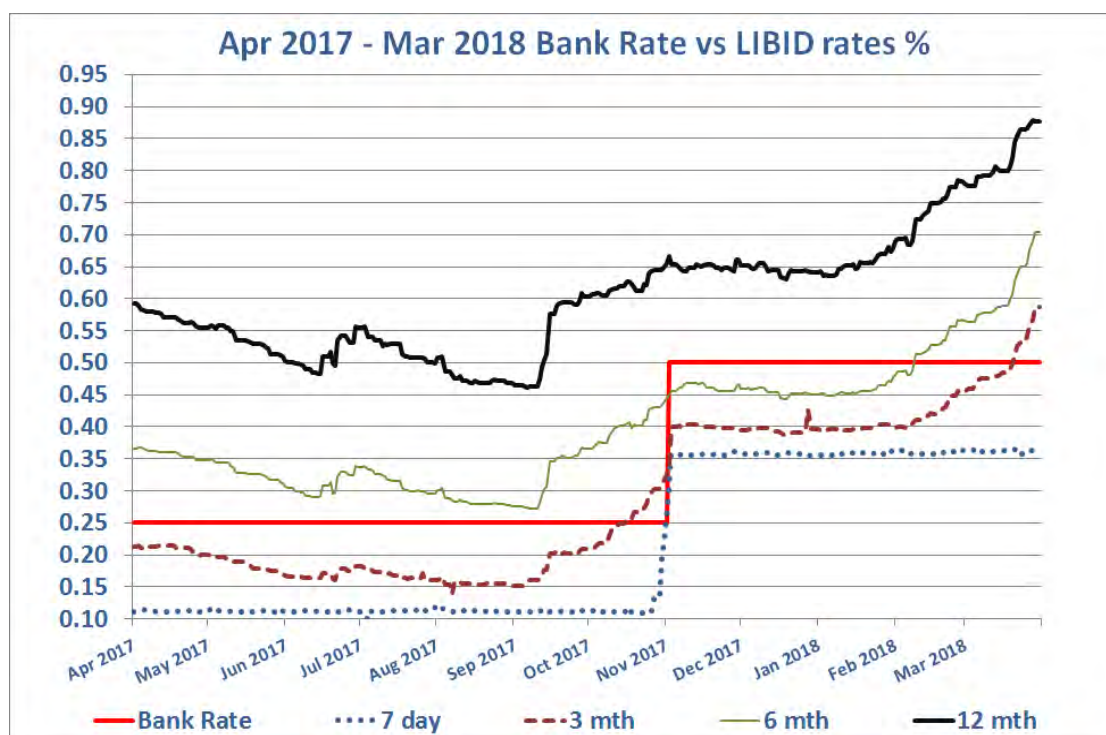
6.4 No external borrowing was therefore planned for 2017/18.

7 THE BORROWING OUTTURN 2017/18

7.1 No external borrowing was undertaken during 2017/18.

8 INVESTMENT RATES IN 2017/18

- 8.1 Investments rates for 3 months and longer have been on a rising trend during the second half of the year in the expectation of Bank Rate increasing from its floor of 0.25%, and reached a peak at the end of March. Bank Rate was duly raised from 0.25% to 0.50% on 2 November 2017 and remained at that level for the rest of the year. However, further increases are expected over the next few years. Deposit rates continued into the start of 2017/18 at previous depressed levels due, in part, to a large tranche of cheap financing being made available under the Term Funding Scheme to the banking sector by the Bank of England; this facility ended on 28 February 2018.



9 INVESTMENT OUTTURN FOR 2017/18

- 9.1 Investment Policy – the Council’s investment policy is governed by DCLG guidance, which has been implemented in the annual investment strategy approved by the Council on 23rd February 2017. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).
- 9.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
- 9.3 Investments held by the Council - the Council had an average balance of £18.069 million of internally managed funds through the year. The internally managed funds earned an average rate of return of 0.387%.

10 CONCLUSIONS

- 10.1 The size of the Council's investment portfolio is relatively small. Meaning that investment decisions have to be made primarily to accommodate cash flow requirements as opposed to optimising investment returns. Despite these pressures, opportunities for some pro-active investment decisions were taken when available, with a move to more fixed term investments and away from overnight accounts.
- 10.2 During the financial year the Council operated within its approved treasury limits and prudential indicators.

Appendix 1: Prudential and treasury indicators

1. PRUDENTIAL INDICATORS	2016/17	2017/18	2017/18
Extract from budget report	Actual	Original	Actual
	£'000	£'000	£'000
Capital Expenditure	£4,594	£15,434	£15,875
Ratio of financing costs to net revenue stream (loss of interest as a consequence of reduced net reserves)	0.18%	0.32%	0.45%
Gross external debt	£0	£0	£0
Capital Financing Requirement	£2,448	£13,038	£13,167
2. TREASURY MANAGEMENT INDICATORS	2016/17	2017/18	2017/18
	Actual	Original	Actual
	£'000	£'000	£'000
Authorised Limit for external debt borrowing	£5,000	£5,000	£10,000
other long term liabilities	£0	£0	£0
TOTAL	£5,000	£5,000	£0
Operational Boundary for external debt borrowing	£0	£0	£0
other long term liabilities	£0	£0	£0
TOTAL	£0	£0	£0
Actual external debt	£0	£0	£0

Money market investment rates 2017/18

	7 day	1 month	3 month	6 month	1 year
1/4/17	0.111	0.132	0.212	0.366	0.593
31/3/18	0.364	0.386	0.587	0.704	0.878
High	0.366	0.390	0.587	0.704	0.879
Low	0.099	0.122	0.140	0.273	0.461
Average	0.215	0.233	0.286	0.401	0.606
Spread	0.267	0.268	0.447	0.432	0.418
High date	27/2/18	22/3/18	29/3/18	29/3/18	28/3/18
Low date	4/7/17	10/8/17	7/8/17	7/9/17	6/9/17

FUTURE ROLE OF THE SHAREHOLDER COMMITTEE

Committee: Shareholder Committee

Date: 28 June 2018

Author: Chief Executive and Legal Services Manager

[T40]

1.0 ISSUE

1.1 Proposed revisions to the role and terms of reference of the Shareholder Committee.

2.0 RECOMMENDATIONS

2.1 Members are requested to recommend to Council:

- (i) revision to the terms of reference of the Shareholder Committee detailed in Appendix 1;
- (ii) revisions to the Shareholder Agreements detailed in Appendix 2;
- (iii) endorse the 'modus operandi' detailed in Appendix 3.

3.0 BACKGROUND

3.1 The Council on 7 January 2016 (ref: Agenda Item 12) agreed the establishment of the East Cambs Trading Company (ECTC) and on 4 January 2018 (ref: Agenda Item 9c) agreed the establishment of the East Cambs Street Scene Limited (ECSSL).

3.2 The approval to the establishment of ECTC included the agreement of a Shareholder Agreement which sets out the responsibilities of the Shareholder Committee and reserved matters for Council. A subsequent Shareholder Agreement was agreed for ECSSL which largely mirrored the ECTC one.

3.3 The Council revised its arrangements for the Shareholder Committee on 11 April 2017 (ref: Agenda Item 10) to establish a standalone Committee.

4.0 ARGUMENT/CONCLUSIONS

4.1 Since the establishment of ECTC and subsequently ECSSL, there have been a number of developments which necessitates a review of the shareholder arrangements within the Council and together with feedback from members during the first year of the standalone committee.

4.2 There have been significant developments since the inception of ECTC in January 2016, specifically:-

- the requirement to establish a teckal compliant company to receive the new waste and recycling service from the Council;
- the expanding property development role of ECTC requiring the formation of an additional teckal compliant company;
- the ambitions of the Council's housing building programme especially Community Land Trusts highlighting a revised risk profile, requirements for additional external funding sources and flexibility required to take advantage of commercial opportunities;
- the development of the Combined Authority including as a source of loan capital and partnership working;
- the track record of delivery is now attracting significant interest and widening the possibilities of further investments;
- the scope and ambition of the trading companies have accelerated significantly to ensure the Council delivers its ambitions and meets its long term financial strategy.

4.3 A number of issues have been raised formally and informally in relation to the current arrangements for Shareholder Committee, specifically:-

- focus on minor operational issues at the expense of strategic risk assessment;
- lack of clarity of the role of the Shareholder Committee;
- member concern over the presentation of information, particularly in relation to financial matters.

4.4 From the perspective of the Board, there are a number of issues which can inform the debate on the future relationship between the companies and the shareholder, specifically:-

- the Shareholder Agreement is overly prescriptive and onerous on both the company and the Shareholder Committee, particularly in terms of reporting arrangements;
- the formality of the Shareholder Committee and the requirements of the Shareholder Agreement does not lend itself to a genuine sharing of key information, particularly in relation to strategic risk;
- the current arrangements may well have been 'fit for purpose' in the early years of the start up of the company but need to be revisited in light of the dynamic environment in which it operates;

- the shareholder agreement places unreasonable constraints on the operation of the companies, specifically in relation to human resources matters and opportunities for accessing loan finance.

4.5 It is recommended that there be revisions to the current terms of reference of the Shareholder Committee (See Appendix 1) and shareholder agreements (Appendix 2), both of which require Council approval. In addition, to reflect a new way of working, a draft 'modus operandi' is attached as Appendix 3 for member consideration, which would append the terms of reference. These proposals do not affect the current client side responsibilities of Policy Committees to agree and monitor Service Delivery Plans.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no direct financial implications arising from this report at this stage.

5.2 Equality Impact Assessment (INRA) not required.

6.0 APPENDICES

- 6.1 Appendix 1 – Revisions to Terms of Reference
 Appendix 2A – Revisions to Shareholder Agreement (Tracked) ECTCL
 Appendix 2B – Revisions to Shareholder Agreement (Tracked) ECSSL
 Appendix 3 – Modus Operandi

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Council 7 January 2016 Agenda Item 12	Room 103 The Grange Ely	John Hill Chief Executive (01353) 616271 E-mail: john.hill@eastcambs.gov.uk
Council 4 January 2018 Agenda Item 9c		

TITLE: END OF YEAR COUNCIL REPORT 2017-2018

Committee: Council

Date: 12th July 2018

Author: Chief Executive

[T47]

0.0 Issue

0.1 To receive the Council's End of Year Council report 2017/2018 for East Cambridgeshire District Council.

1.0 Recommendations

1.1 Members are requested to note the progress made against the Corporate Priorities of the Council as detailed within the End of Year Council report 2017-2018.

2.0 Background

3.0 The End of Year Council report 2017-2018 sets out what the Council has achieved over the past 12 months against our Corporate Plan priorities and wider strategic agenda.

4.0 The End of Year report is delivered to every household across East Cambridgeshire.

4.1 The End of Year report documents the achievements made by the Council during 2017-2018 against our Corporate priorities:

- Delivering a financially sound and well managed Council
- A fantastic place to live, work and visit
- Genuinely affordable housing
- New jobs and funding
- Improving infrastructure
- Improving local transport

5.0 ARGUMENTS AND CONCLUSIONS

5.1 The Council's End of Year report 2017-2018 details the progress made against our priorities.

5.2 The cost to produce the End of Year report per household is 26p.

6.0 Financial Implications

6.1 There are no financial implications other than the costs mentioned above.

7.0 Equality Impact Assessment

7.1 An equality impact assessment is not required.

8.0 Appendices

Appendix A-End of year Council report 2017-2018 (see separate document)

Contact officer

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Chief Executive

(01353) 616271

Email- John.hill@eastcambs.gov.uk



East
Cambridgeshire
District Council

End of Year
Council Report
2017/2018

Foreward



Charles Roberts, Leader of East Cambridgeshire District Council

I am delighted to be presenting you with the Council's End of Year Report 2017/18 and hope that you will enjoy reading all about the Council's achievements over the past 12 months.

Once again I can hear myself repeating the words, "there have been so many changes across our district recently", but this is a truly positive thing, with continued improvements to infrastructure, new housing developments, and better recreational facilities and with the opening of the bypass this year; improved transportation links.

We have recently seen the opening of the highly anticipated "Hive" leisure centre. This is a project which has been a major priority of the Council for a number of years and we are incredibly proud to be able to finally see it opened. I would like to pass on my thanks to everyone who has been involved with its development.

In April this year, the Council started to deliver waste services across the District. The transition from outsourcing the waste services contract to bringing it into our new Street Scene Company has been incredibly smooth. We hope that you haven't seen any major differences with your waste collections and look forward to making changes over the next 6 months to improve the service even more.

In our last Council report we focused on providing our residents with key facts about our achievements. However, in this years report we thought it would be helpful to highlight real case studies which will hopefully show you the true impact of some key projects across the district. We hope you enjoy reading it.

John Hill, Chief Executive of East Cambridgeshire District Council

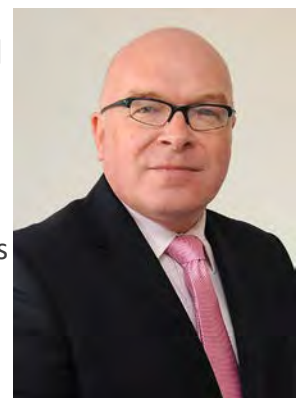
Despite the constantly changing economic landscape, we have continued to seek innovative ways to build a strong and resilient Council for our communities.

We continue to work with local residents to develop Community Land Trusts for those who live and work in the district, which enable more affordable homes to be built at a time when house prices across East Cambridgeshire are incredibly high. This will continue to be one of our main priorities.

The Council has been working closely with the Combined Authority on local infrastructure projects. They have confirmed a loan of £6.5m to the Council's trading company towards the development of the Community Land Trust site at Haddenham to build 54 new homes (19 of which will be affordable).

Our priority of "work to live, not live to work" will be maintained so that people can access jobs within the district and find affordable houses where they work.

We can't fit in all of the good work we do into a small report so to find out more about East Cambs District Council and our work please visit our website www.eastcambs.gov.uk.



Our Vision

“To be financially self-sufficient and provide services driven by and built around the needs of our customers. To enable and deliver commercial and economic growth to ensure that East Cambridgeshire continues to be a place where people want to live, work, invest and visit”

How we are going to achieve our vision for the future has been identified within our Corporate Plan 2017-2019. It sets out key priorities and promises for the Council, with outcomes focusing on infrastructure, local transport, job creation, creating a fantastic place to live, supporting the development of genuinely affordable housing and ensuring that the Council is financially sound and well-managed.



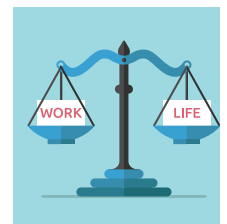
An overview: Some of our successes over the previous 12 months?

Delivering a financially sound and well managed Council

We have frozen Council tax and will continue to do so during 2019/20. The Council has approved the East Cambs Trading Company business plan 2018/19, which sets out what it will achieve over the next 12 months

A fantastic place to live, work and visit

The waste and recycling contract has been transferred into the Council's, East Cambs Street Scene Company Ltd. A budget of £70,000 has been secured to develop tourism strategy for East Cambridgeshire



Genuinely affordable housing

The East Cambs Community Land Trust has been set up to provide on-going support to local Community Land Trusts across the district. Homes for the Soham Community Land Trust are currently being built and planning permission has been granted for homes for the Haddenham CLT, with the building works scheduled to start in autumn 2018

New jobs and funding

The Council has agreed to purchase the Ely riverside moorings. This will help to provide an additional revenue stream and enable the Council to undertake work as and when required. The Council has been working with local businesses to encourage them to locate to the district. Over the past year two new large organisations have located to Lancaster way with another one currently in the pipeline



Improving Infrastructure

The Council has committed £1m towards the Ely Southern Bypass. It is expected to complete towards the end of 2018. This will help to reduce congestion around the station. The Council has been working with partners including the Combined Authority to improve road transportation in the district including the A142, A14 and A10. A £300k grant has been secured to help progress this project

Improving local transport

80 new commuter parking spaces at Littleport station and 128 at Ely station have now been opened. We are pleased to say that they are being utilised well by commuters. The Council has continued to keep town centre car parks free of charge



Update on previous projects

You may remember that within our last End of Year report we mentioned a few projects which were in the process of completing. We wanted to update you on their progress.

The Hive Leisure Centre



photos courtesy of Mace and Pellikaan

The Hive Leisure Centre was officially opened by the Mayor of Cambridgeshire and Peterborough, James Palmer and our local Councillor Richard Hobbs.

The facilities include, an eight-lane 25m swimming pool, a learner pool with a moveable floor, two activity studios, a 120 station gym, a four-court sports hall and an external 3G artificial grass pitch.

The Hive will be managed by Greenwich Leisure Ltd (GLL) a charitable social enterprise on behalf of East Cambs District Council.

GLL runs many sports centres and invests its profit back into the organisation rather than paying dividends to its senior management team which most organisations do. Its primary focus is on helping the local community to stay active whilst providing affordable and accessible leisure programmes.



8 years' worth of hard work from many partners, both internally and externally, has culminated in this new facility, with funding from East Cambs District Council and a £1.5m National Lottery grant from Sport England.

This now completes the second phase of the Ely Leisure Village. We hope that you'll utilise this wonderful new addition to the district for many years to come.

Waste and recycling

The contract for waste and recycling has successfully transferred to East Cambs Street Scene Ltd (one of the trading arms of East Cambs District Council).



Councillor Julia Huffer and a member of our waste team

We are pleased to report that the process has gone even better than we could have expected and we welcome the 60 strong workforce who have come over to us from the previous provider.

As you can see from the picture, we have rebranded the uniforms and made them brighter to improve visibility.

To complement the recent changes, our Customer Services team has made the forms easier to book waste pick up requests such as bulky waste etc. We hope that these make your experience of using our services easier.

Moving forward we will be financially investing in the waste team with HGV and health and safety training and improved induction procedures. In addition, we are aiming to further improve recycling rates and customer service levels.

Enforcement across the district

We have been working hard to reduce environmental crime across the district. Different services, including Street Scene and Environmental Services, have been working in partnership to help reduce the criminal act of fly tipping.

There has recently been a spurt of fly tipping incidents so the Council has been working hard to clear them and where applicable work towards enforcement action against the criminals.

In a week we collected over 40 tonnes of fly tips (the equivalent of a combined weight of 3 double decker buses).



Example of fly tipping in the district- before & after

We have also made a commitment to reduce litter and have started work on developing a litter prevention strategy for East Cambs. This will complement the Government's "Litter Strategy for England 2017-2020" which focuses on education and campaigning, improving enforcement, and improved bin infrastructure and also aligns with our commitment to reduce plastic waste.

Community Lands Trusts

The Council is proud of its relationship with local Community Land Trust (CLT) groups. We support with the technical knowledge of the project but community groups lead on them as they are best placed to know which locations will work better and what designs to choose.

Over the past 12 months the number of CLT sites has further increased. New CLTs have been set up in Swaffham Bulbeck, Soham, Kennett and Fordham. The "SAVE" CLT scheme in Soham is currently nearing completion and a recent planning application has been approved in Haddenham.



Drawing design for Haddenham CLT

When a community is interested in developing affordable houses locally but doesn't have the capacity to drive the project forward themselves the "East Cambs Community Land Trust" can offer more support.

The East Cambs Community Land Trust was established in November 2017 and is the overarching CLT for the district. Communities will still have the overall say in what a site will look like but East Cambs CLT will help drive forward the project and provide technical advice throughout the development.

Tackling homelessness

The Housing Options team are eagerly awaiting the result of whether they have been awarded the Gold Standard accreditation from the National Practitioner Service. To get this far in the process shows their commitment to already providing a first rate homelessness prevention service but the Gold Standard accreditation will show that our service is exemplar.

The team has been working with partners to further develop Community hubs (which supports early homelessness interventions).

Community Hubs offer all local residents the opportunity to find out information about homelessness, problems with anti-social behaviour and debt issues etc.

After successfully launching Ely and Littleport Hubs they will soon open ones in Soham, Stretham and Bottisham. In addition, they have opened a Youth Community Hub in Littleport which will provide advice to young people on mental health issues, budgeting and how to avoid homelessness.

The North Ely Development

Phase 1 of the, 3000 home, North Ely development site has now commenced. Two building contractors have submitted plans for dwellings on the site; Redrow Homes and Hopkins Homes.

Hopkins Homes have already started to build the first 50 homes (a total of 199 homes were agreed for planning permission). The first tranche of houses will be occupied in the autumn.



Hopkins Homes- North Ely site

Redrow Homes has also received detailed planning permission for 200 dwellings and is expecting to commence work on site within the next few months.

Economic Development

East Cambs has a thriving business community with a number of large, international businesses choosing to situate their company in the district.

This is of course essential for the area, as it brings in new jobs, financial stability, better infrastructure and encourages developers to build homes here to give people the opportunity to live near their place of work.

To nurture this further, the Council will soon be launching a pilot business surgery at e-Space North in Littleport in partnership with the Norfolk and Waveney Enterprise Service (NWES). This will provide local companies with business development advice from highly qualified staff on a number of topics including funding and marketing advice and support on how to grow a business.



The Council also hasn't lost sight of young people who are looking to further their work experience to help with improved routes to employment. We have therefore committed both our time and financial resources to support apprenticeships in the area; working with local businesses to increase their apprenticeship in-take and promote the opportunities to local colleges.

This year we worked with various partner agencies on an event to highlight apprenticeship opportunities at the Maltings in Ely. We had over 50 companies in attendance!

This demonstrated that apprenticeships are still considered a valuable tool in supporting young people into the workforce and as a result we are pleased to announce that in the autumn we will be working with partners to launch a web-based portal for employers, employees and colleges to act as a "one stop-shop" for everything related to apprenticeships.

Focus on health and well-being

Let's Get Moving East Cambridgeshire



Did you know?

In East Cambridgeshire it costs the NHS approximately £1.3m per year to treat patients as a direct result of conditions due to inactivity such as diabetes, stroke etc


CYCLING



Did you know?

Out of 326 local authorities across the country, East Cambridgeshire ranked 223rd for the most inactive areas, with 27% of 16+ being classed as inactive i.e. they do nothing


TENNIS



Did you know?

150 minutes of exercise per week will help to reduce dementia by up to 30%, type 2 diabetes by up to 40%, depression by up to 30% and cardiovascular disease by up to 35%

RUNNING



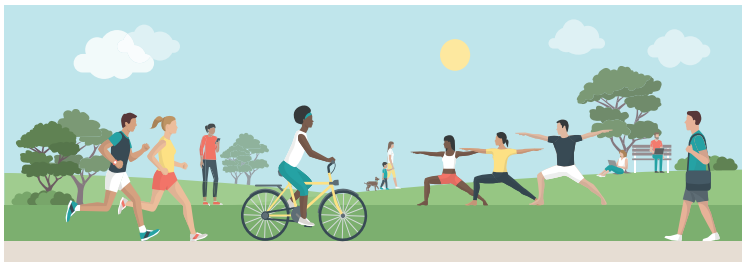
Did you know?

The East Cambs Health and Well-being Strategy 2018-2021 sets out what the Council and its partners will look to achieve to reduce health inequalities at a local level

FOOTBALL

The Council has recognised the positive impact that comes with living an active and healthy lifestyle. This includes not just the outcomes associated with exercise on the body but also on someone's mental health.

East Cambs District Council has been working with partners on an initiative to help improve the health and well-being of people across the district. "Let's Get Moving East Cambridgeshire" forms part of a wider Cambridgeshire initiative commissioned by Cambridgeshire County Council, in partnership with four other Cambridgeshire councils and Living Sport.



Sophie Edwards, the East Cambs "Let's Get Moving East Cambridgeshire" Physical Activity Locality Co-ordinator has been supporting a number of groups and individual residents across the district to promote existing physical activities and has recently set up a walking netball group at Littleport Leisure Centre.

The aim is to target areas that are shown to have residents with lower levels of physical activity. The idea of walking netball is to reintroduce people to a sport that they may well have played long ago but at a gentler pace. It is suitable for all ages and abilities regardless of fitness levels.

Valerie's story:

"At the age of 77 I thought my netball days were well in the past. I had not played since 1955. Although generally fit, I am unable to run properly or jump due to a 'dead leg' following a badly slipped disc in 1971 which results in my right leg having no lifting power, although it does fully support my weight.

I had heard of walking netball and was delighted when I heard it was starting in Littleport – I was there the first night! From the start, I felt this was something I could do on an equal footing (pun intended!) with everyone else. I can't run or jump – that's fine, it's not allowed anyway – so I was at an advantage, the others had to be reminded not to run!

I am the oldest person attending – the youngest is 15 – so age doesn't matter at all. No-one needs to feel 'different' or insignificant, we are all there to play the game, but it's not the only reason; the main thing is we have good healthy exercise, we interact with others and most important of all – WE HAVE FUN! Since starting, and in line with a diet, I have lost nearly two stone. I feel healthier, I have more energy and I am much suppler, meaning that everyday tasks such as going up stairs, or walking my dogs, are so much easier.



Activity co-ordinator, Sophie Edwards and walking netball enthusiast, Valerie

Sophie has worked so hard with us, encouraging us from literally two or three at first, building up to 17 last week – enough for two full teams and some subs! We now have a name 'Littleport Allsorts', team shirts, and are ready to take on other clubs!

So don't sit there thinking – 'well, I might like to but...' come along on Wednesday evening at 7pm and try, or just watch. You will be very welcome".

If you'd like to find out more information on "Let's Get Moving East Cambridgeshire" then please contact the Council.

Supporting dementia awareness

There are approximately 850,000 people with dementia in the UK, with 250,000 people per year being diagnosed.

The Council recognises the impact which dementia can have on our residents and their families and are working with Ely City Council on a pilot project for Ely to become a “Dementia Friendly Community”.

This includes organising training sessions for council officers on how to support people with dementia and organising dementia awareness sessions.

Once this pilot project has been established it will be rolled out across the district. We will update you on the outcomes in our next report.



Community and tourism



Within East Cambridgeshire we are fortunate to have a number of key tourist related businesses. Tourism is an important driver of economic activity and being on the doorstep of Cambridge and the proximity of main transport route also contributes to our thriving tourism in the district.

To maximise the benefits which tourism brings into East Cambs the Council has started to map all of the attractions across the district. In addition, over the summer a number of consultation exercises will be conducted. The data gathered will be used to help write a new tourism strategy for the area.

Our markets have also been attracting even more people to Ely over the past 12 months. We have seen an increase in the number of people buying produce from our various markets, including the Farmers’ Market, weekly Thursday, Saturday and Sunday markets and speciality markets including the Vegan Fair and late markets for the summer and festive season.

New “Mini-Markets” are planned for 2018 to encourage people to shop more thoughtfully, little and often, to bring additional footfall into town and help reduce waste. Ely Markets are also launching a campaign to reduce the amount of single use plastic by both traders and visitors. Shoppers will be encouraged to “Bring Your Own” re-usable bags, cups and containers and traders will offer sustainable or no packaging options.

A recent independent survey conducted showed that Ely Markets help to generate an average of £5m per year with customers then going on to spend £10m in other shops within the Ely economy. Not only do Ely Markets provide opportunities for increased revenue but they also act as a small business hub to encourage new business opportunities and have a large social impact on the community.



Anglesey Abbey



Wicken Fen



Ely Cathedral

What you may not know about the Council

We wanted to take the opportunity to highlight some of the work we do from behind the scenes.



- Over the past 12 months our Customer Services team have responded to over 55,000 telephone calls from customers
- We have provided assistance to 33,657 visitors to The Grange
- We have supported customers with 4250 general enquiry emails

At the Council we currently employ just over **250 staff**. Each person contributes to our goal of making the district a place where people want to work, live and visit, and helps to build a financially resilient Council.

It would be impossible to sing the praises of each service but we thought you might like to hear about some of our teams who wouldn't normally get a mention.

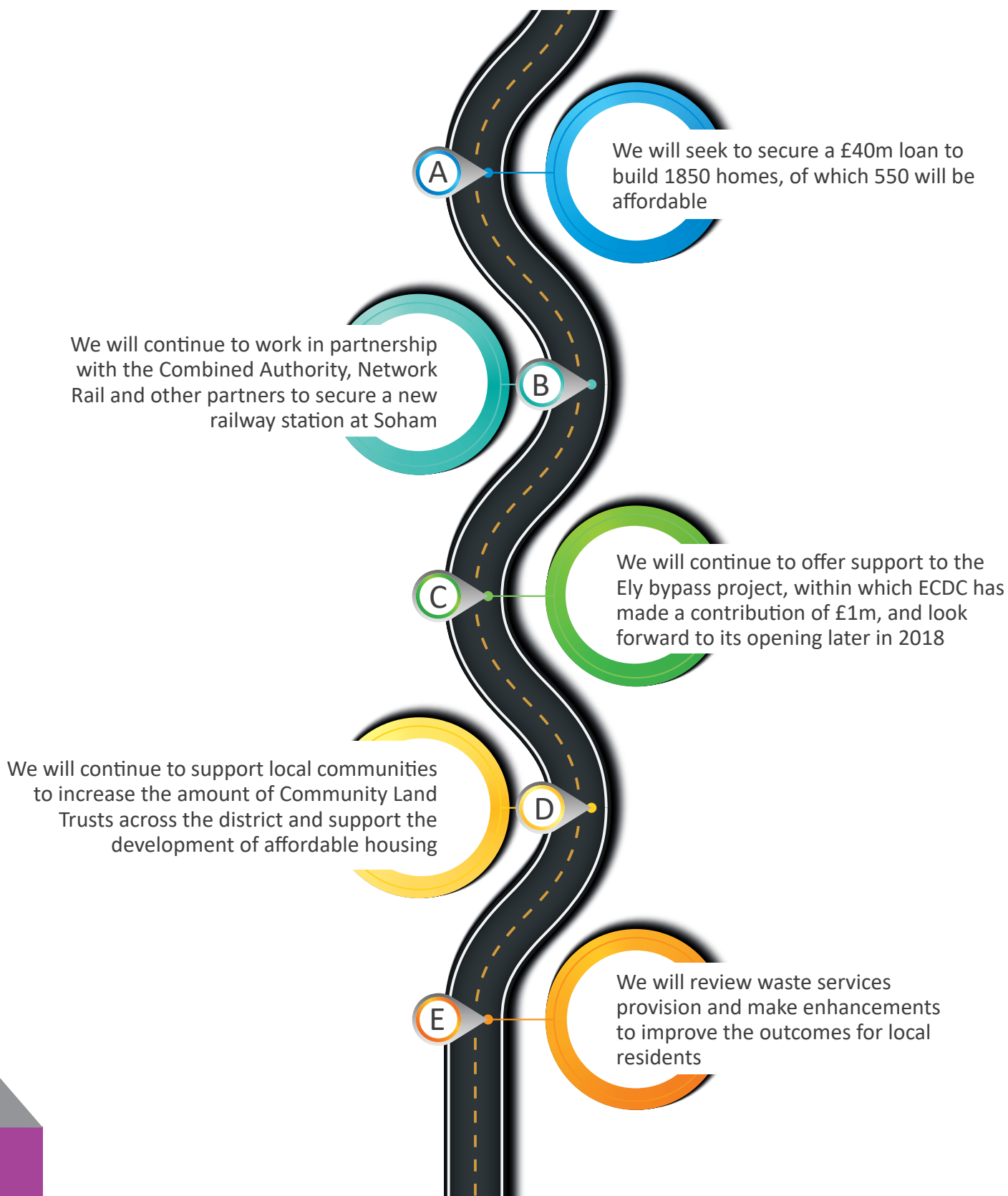
You may not be aware but our **Reprographics team**, when not busy on Council matters, can accept printing and design requests externally at competitive prices. These include flyers, leaflets, posters business cards, large plans/posters, photographic prints etc.

Our **Legal services team** provide in-house legal support which reduces the need to pay for expensive external legal teams. This includes providing advice on purchasing pieces of land, contract management advice, data protection, and land registry etc.

The **Environmental services** team incorporate a number of important roles, from ensuring local food establishments provide the correct level of hygiene from which to serve the public food, to ensuring that noise pollution doesn't detrimentally affect the lives of our residents.

The Council prides itself on looking at new and improved ways of working. One new initiative which has been developed over the past 12 months includes working with services to assess their processes to make them more efficient and streamlined.

What projects are we currently developing?



If you require this document in different formats (e.g. Braille, large print, audiotape/CD or other languages) please contact the Council's main reception or email: customerservices@eastcambs.gov.uk

**East Cambridgeshire
District Council,
The Grange,
Nutholt Lane,
Ely,
Cambridgeshire,
CB7 4EE**

Telephone: 01353 665555

TITLE: STATEMENT OF COMMUNITY INVOLVEMENT

Committee: Full Council

Date: 12 July 2018

Author: Richard Kay – Strategic Planning Manager

[T48]

1.0 ISSUE

1.1 For Council to agree a new Statement of Community Involvement (SCI).

2.0 RECOMMENDATION(S)

2.1 That Council:

(A) Adopts an updated Statement of Community Involvement (SCI), as attached at Appendix A;

3.0 BACKGROUND/OPTIONS

Introduction

3.1 At your meeting of 22 October 2015, a new Statement of Community Involvement (SCI) was approved to support the production of the new Local Plan. However, since that date, amendments to legislation have prompted officers to recommend the need for the SCI to be updated and republished.

3.2 The purpose of this report is to agree a new '**Statement of Community Involvement**' (SCI), a statutory document which sets out the 'how' we will consult on planning matters and how we will engage with and support Parish Councils with their Neighbourhood Plans.

Statement of Community Involvement (SCI)

3.3 Planning is a high profile and potentially contentious subject, whether that be plan-making or determining planning applications. It is therefore essential that a local planning authority sets out a clear approach on all planning matters.

3.4 It is also a statutory requirement (see Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the Council to set out how it will consult the public on planning matters, in an SCI document.

3.5 As such, an SCI seeks to ensure that:

- The public has full and up to date knowledge of the planning process and know exactly how and when to get involved;

- Officers prepare plans and deal with planning applications, in the knowledge that they are being prepared in accordance with Members wishes with respect to public engagement and consultation;
 - Parish Councils preparing Neighbourhood Plans know what advice and assistance to expect; and
 - Members have confidence that a robust, fair and consistent process is in place.
- 3.6 The Council's current SCI was adopted on 22 October 2015. However, it is considered important to prepare and adopt an updated SCI now due to recent legislative requirements.
- 3.7 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "*statement of community involvement must set out the local planning authority's policies for giving advice or assistance*" in relation to neighbourhood planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.
- 3.8 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "*must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.*"
- 3.9 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.10 That Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "*every five years, starting from the date of adoption of the statement of community involvement*". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.
- 3.11 For East Cambridgeshire, its last SCI was adopted on 22 October 2015. As such, it need not undertake its legally required 'review' until (at the latest) October 2020.
- 3.12 However, the new July 2018 legal requirement to incorporate Neighbourhood Planning advice into an SCI is not presently met by the 2015 SCI.

- 3.13 As such, officers determined that a 'review' of the SCI should be undertaken now (slightly earlier than otherwise would need be), so as to meet the new legal requirements regarding neighbourhood planning. A refreshed SCI (as attached) is therefore recommended to be adopted.
- 3.14 If Council do not adopt a revised SCI it would fail to meet its obligations under the aforementioned 2004 Act (in relation to neighbourhood planning advice).
- 3.15 Thus, in short, a refresh of the SCI is considered necessary in order to:
- (a) reflect numerous legislative changes since the last SCI was adopted in 2015 (because the present 2015 SCI is somewhat out of date);
 - (b) meet the legal requirement, from 31 July 2018, for an SCI to include neighbourhood planning advice and commitments.
- 3.16 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2015 version. It is important to remember that once adopted, the local planning authority must follow what it says in the SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement). However, there is nothing to prevent a Council going beyond what it states in its SCI, In effect, the SCI sets out a council's 'minimum' service standards.
- 3.17 The starting point for the commitments in the attached recommended SCI are the minimum legal requirements for consultation, as set out in various Acts and Regulations. Thereafter, local planning authorities have freedom to set whatever commitments it likes in terms of going beyond the legal minimum.

The updated SCI

- 3.18 The main changes in the attached recommended SCI is to incorporate a new (and now legally required) section on Neighbourhood Planning. This sets out the Council's approach to providing support for neighbourhood planning.
- 3.19 The proposed section on Neighbourhood Planning is based on the advice and assistance the Council already provides to Parish Councils. It also heavily reflects the 'service standards' and guidance that Full Council agreed to on 8 January 2015, when it agreed the contents of the "Neighbourhood Planning Guidance Note". That guidance note is presently available on the Council's website but will be removed on the adoption of the SCI (because the contents have, in essence, be moved into the attached SCI). For now, the guidance note is available here:

[https://www.eastcambs.gov.uk/sites/default/files/Neighbourhood%20Planning%20in%20East%20cambridgeshire%20-%20A%20Guidance%20Note%20-%20Jan%202015%20\(final\)_0.pdf](https://www.eastcambs.gov.uk/sites/default/files/Neighbourhood%20Planning%20in%20East%20cambridgeshire%20-%20A%20Guidance%20Note%20-%20Jan%202015%20(final)_0.pdf).

3.20 Members are therefore asked to endorse and adopt the attached SCI. It should be noted, however, that should Members seek to reduce the commitments set out in the SCI as presented, then there is a significant risk that such a reduction would push our commitments below the minimum legal requirements. This, of course, will need to be avoided. Officers will be able to advise on such matters if need be.

3.21 Should Members wish to commit to greater consultation or assistance than set out in the attached SCI, then it has the freedom to do so, though of course Members should be mindful of the commentary set out in this agenda report, especially the legal obligation to meet such commitments.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

4.1 Directly, there is very limited financial implications with the recommendations of this report, and such costs can be met within agreed budgets.

4.2 Equality Impact Assessment (INRA) not required

5.0 APPENDICES

Appendix A – Statement of Community Involvement

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room12A The Grange Ely	Richard Kay Strategic Planning Manager (01353) 616245 E-mail: richard.kay@eastcambs.gov.uk



East Cambridgeshire District Council

Statement of Community Involvement (SCI)

A guide as to how we will:

- *consult you on Planning Applications*
- *consult you on emerging Planning Policy*
- *assist you with Neighbourhood Planning*

July 2018

This document was adopted by a Full Council meeting of East Cambridgeshire District Council on 12 July 2018

DRAFT VERSION

This document is a draft version of the SCI, for consideration by Full Council (12 July 2018)

Contents

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Part 1: Introduction

Introduction

This Statement of Community Involvement (SCI) sets out how East Cambridgeshire District Council ('the Council') will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the Council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the Council will assist in the preparation of neighbourhood planning matters.

The commitments set out in this document are binding on the Council, unless national legislation states otherwise.

What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

East Cambridgeshire District Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the Council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

Please note that this SCI was written based on the Council's understanding of national legislation that existed as at July 2018. Should national legislation change, there may be elements in this SCI which no longer apply. The Council will endeavour to update this SCI as soon as possible after significant national legislation change.

Part 2: Consultation Commitments on Planning Applications

Step 1: The Pre-Application Stage

What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the Council within fixed timescales, the application is approved. For certain types of prior approval, the Council will notify occupiers of neighbouring properties and allow them to submit comments.

The Council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the Council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the Council's website: <http://www.eastcamb.gov.uk/planning/pre-application-advice>.

Developer pre-application consultation with the community

Section 122 of the Localism Act 2011¹ introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013². However, it is the Council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

² <http://www.legislation.gov.uk/uksi/2013/2931/made>

Step 2: Planning Application Process

Community consultation on planning applications

The Planning and Compulsory Purchase Act 2004 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days (30 days for applications accompanied by an Environmental Statement) from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the Council consults on planning applications is set out below (as a minimum):

Development type/size	East Cambridgeshire District Council consultation commitments
<ul style="list-style-type: none"> • Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more) 	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none"> • All other developments 	Neighbour letters and site notice

Planning applications can be viewed online using the Council’s Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within 8 weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the Council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups	Notification letter sent giving a minimum 14 days for comment.

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', these will be dealt with as a variation of condition application and a notification letter will be sent giving 21 days to comment. Applications to delete or vary a condition attached to the permission also will result in a notification letter being sent giving a minimum of 21 days for comment

Who makes the decision on planning applications?

The Council receives approximately 2,000 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the district councils Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning Committee is, at the time of adopting this SCI, made up of 11 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available 5 working days before the Committee meeting and will make a recommendation to Planning Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the Council's website.

Step 3: Appeals

Planning appeals

If the person who applied for planning permission does not like the decision that the Council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the Council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

Step 4: Enforcement

Community involvement in planning enforcement

Planning Enforcement describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the Council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form for making complaints on the district council website, alternatively a complaint can be made to the Planning Enforcement Team on 01353 665555 or by emailing planning_enforcement@eastcambs.gov.uk.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

Part 3: Consultation Commitments on Planning Policy

Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole Council area, and makes the big decisions on the location of housing, employment and roads, for example.

At the time of writing, East Cambridgeshire's latest adopted Local Plan is dated April 2015, though a replacement Local Plan is well advanced.

Should any joint plan be undertaken which covers the East Cambridgeshire District Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the Council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, will, when a new Local Plan is to be produced, set out the timetable for its production.
- **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 the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan produced by Cambridgeshire County Council) or Neighbourhood Plan is adopted.
- **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 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.
- **Neighbourhood Plans:** 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 the Local Plan and with national policy. It is up to local Parish and Town Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (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.

Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the Council must consult with. These are identified as ‘specific consultation bodies’ and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of ‘general consultation bodies’ who the Council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council’s area;
- Voluntary bodies which represent the interests of :
 - Different racial, ethnic or national groups in the district council’s area
 - Different religious groups in the district council’s area
 - Disabled people in the district council’s area
 - People carrying on business in the district council’s area

There are also people and organisations that the Council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

<p>Public participation (Regulation 18)</p>	<p>During the first stage of public involvement the Council will, as a minimum, contact the ‘specific’ and ‘general’ consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of 6 weeks for comments to be made. Following this first stage of consultation, the Council may undertake one or more further 6 week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.</p>
<p>Pre-submission publication (Regulation 19)</p>	<p>Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside</p>

	the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of 6 weeks.
Submission (Regulation 22)	The Council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The Council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the Council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the Council will consider whether to adopt the Local Plan. On adoption, the Council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the Council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website and paper or electronic copies will be available to view at the main Council office. If appropriate, additional paper copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

Consultation Arrangement for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the Council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of 4 weeks.

At the commencement of the consultation period, the draft SPD will be made available on the Council's website and at the Council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the Council main office.

Part 4: Neighbourhood Planning

Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils and (for those locations where a parish council does not exist) communities to develop a planning strategy for their local area to be used in making decisions on relevant planning applications.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the Council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a parish or town council is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; and
- Not breach, and be otherwise compatible with, EU and Human Rights obligations.

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the Council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as <https://neighbourhoodplanning.org/>.

Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the Council at each stage.

Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

A Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

An application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish or town council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (the Council can provide a PDF map if needed). An application form is available on the website <http://www.eastcambs.gov.uk/local-development-framework/neighbourhood-planning>

When submitted, the Council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Town or Parish Council for the whole of their area, no consultation is required and the Council must designate the area.

If the application is not for the whole of a Town or Parish Council's area, or is for more than one parish area, the Council will publicise notice of the application, and consult on the application for a period of 6 weeks.

Representations will be considered by the Council and a decision will be made on whether to approve the Neighbourhood Area.

With all applications, the Council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

What you can expect from the District Council in Stage 1

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Town or Parish Council for the whole of their area the Council must designate the area. The Council will aim to do this within 5 working days of the application being validated.

If consultation is required, we will publish your application on the District Council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish/town council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

Stage 2: Produce your neighbourhood plan

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by East Cambridgeshire District Council (see Stage 6).

The Council sets out below how it will assist at this stage, as a minimum.

This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended that you should develop a clear project plan to plan for when you anticipate needing assistance from the Council. It is important to note that the District Council's duty to support does not extend to financial assistance i.e the Council does not have any funds available to pass to the Parish Council in order for the Parish Council to do any of the work.

When you are reasonably certain about the policies your plan will contain, the District Council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

What you can expect from the District Council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request, but may be capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- An initial meeting (requests for meetings may be limited to one)
- Advising on potential topics for your plan
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the neighbourhood area, and printing of up to 20 copies of a draft Neighbourhood Plan

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being provided prior to the pre-submission consultation.

Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a 6 week consultation prior to submitting it (see Stage 4) to the District Council. This requirement, which is the Parish or Town Council's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the District Council.

Prior to publicising your plan, it is recommended that you contact the Council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the 6 week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the Council. If significant changes are made, it is recommended that you repeat this Stage 3 six week consultation.

What you can expect from the District Council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. We will aim to provide this within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the District Council's website and place copies of the proposed plan at the Council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

Stage 4: Submission and publication of the plan

First you will need to take account of the comments made to the pre-submission consultation (and make any amendments to your plan as you think necessary). Next, you will need to formally submit your plan to the Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the Council.

Your plan must be accompanied by a number of other documents, specifically:

- A map or statement clearly identifying the area to which the plan relates;
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

When your plan is submitted, the Strategic Planning Team will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for 6 weeks (i.e this is a second 6 week consultation, in addition to the 6 week consultation at Stage 3) on the Council's website and in hard copy at an appropriate Council location. The Council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by.

Following the consultation, the Council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

What you can expect from the District Council in Stage 4

We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3, and help you determine what appropriate action should be undertaken with them (eg amend policy wording) prior to you submitting the plan.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will arrange for publication of the plan on the District Council's website, have hard copies placed at an appropriate District and Parish Council location, publicise the consultation as necessary and notify the consultation bodies as required, including those who submitted comments at pre-submission stage (subject to any legal requirements arising from the General Data Protection Regulations).

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting minimum requirements for the publication of the plan. We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or town council asks us to.

Stage 5: Independent examination

During the publication stage the Council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the Parish Council submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to any changes to the referendum area, though this will be an unusual recommendation.

The Council will make a decision on whether the plan should proceed to referendum based on the examiner's report and publish the Council's decision statement and the examiner's report.

What you can expect from the District Council in Stage 5

We will appoint the examiner in consultation with the Parish Council.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the Council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 20 copies of the final Plan, in colour, including maps.

Stage 6: Referendum and Adoption

Upon receiving the examiner's report approving the plan to proceed to referendum and the Council's formal decision to proceed (only in exceptional circumstances would the Council not agree to proceed), the Council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The Council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' then the Council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan (and any other material considerations) in making decisions on planning applications.

What you can expect from the District Council in Stage 6

We will arrange and pay for the referendum.

We will publish the results of the referendum.

We will adopt the plan at the next suitable Full Council meeting

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.

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
The Electoral Registration and Administration Act 2013

Review of Polling Districts, Polling Places and Polling Stations

Background information and the Returning Officer's proposals

John Hill, Returning Officer

Consultation Period: Ends 16 April 2018

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

Background

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 Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling places, with a compulsory review having to be started and completed between 1 October 2013 and 31 January 2015.

Subsequent reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. However, this does not prevent changes being made at any time before the next full review in October 2018.

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.

1. Review of polling districts, polling places and polling stations in the district of East Cambridgeshire in relation to its District Ward and Parish boundaries for the 2019 district and parish elections.

In 2017, the Local Government Boundary Commission for England (LGBCE) published its review on the electoral arrangements for East Cambridgeshire District Council. The proposals set out a council size of 28 and ward pattern to accommodate this number of Councillors.

1.2 How the review is conducted

The Council has delegated authority to conduct the review, 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 12 July 2018

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 – 23 February 2018

Council publishes the Returning Officer's proposals - 23 February 2018

Consultation on this proposal ends on – 16 April 2018

Report to Full Council – 12 July 2018

Adoption by Council – 13 July 2018

Arrangements come into force at the publication

of the next revised Register of Electors – 1 December 2018

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. Change for change's sake should be avoided in the review because it proves disruptive to the electors and their convenience, subsequently the Returning Officer 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
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Ely
Cambs
CB7 4EE

elections@eastcambs.gov.uk or 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 to divisional boundary changes and those of the two Parliamentary Constituencies, as well as 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. This process is as a direct consequence of the Divisional Boundary review conducted by the LGBCE and the changes within this review reflect the new divisional areas. There are two areas within the review which will directly affect electors.

2.2 Guidelines

The Returning Officer has taken the following assumptions 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 7,100, in an electorate of 65,200) 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 ward;

- The polling district identity letters
- The polling place for the parish or parish ward
- The polling station at that place
- The number of electors on 8 June 2017 (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:

No	Ward	Polling District Affected	Proposal
1	Bottisham	KA1, KC1, KD1, KE1, KF1, MB1 and MI6	To move the old Swaffhams ward into the new Bottisham ward and to move the parish of Burrough Green from the old Bottisham ward into the newly formed Woodditton ward.
2	Burwell	KB1 and KB2	No Change to the existing ward.
3	Downham Villages	IA1, IB1 and ID1	To move the parishes of Mepal and Witcham into the new Sutton Ward. <i>To move the parish boundary between Ely, Little Downham and Witchford and to include those electors and properties known as Hurst Farm, Hurst Lodge, Maple Lodge, Maple Farm and The Isle of Ely Veterinary Practices from Little Downham parish to Ely West Parish. Subject to the approval of the Community Governance Review Order.</i>
4	Ely East	HA6, HG1, HF1 and HK1	To move HC1 and HD6, from the old Ely East ward into the new Ely North ward. To move HH1 from the old Ely East ward into the new Ely West ward. To move HF1 from the old Ely North ward into the new Ely East Ward. To move the residents of Carey Close and 102-164 Kings Avenue from HF1 to HF2 as part of the LGBCE's final recommendations.
5	Ely North	HC1, HD6, HF2 and HJ6	To move HC1 and HD6, from the old Ely East ward into the new Ely North ward. To move HF1 from the old Ely North ward into the new Ely East Ward. To move the residents of Carey Close and 102-164 Kings Avenue from HF1 to HF2 as part of the LGBCE's final recommendations.
6	Ely West	HH1, HI1 & HI2	To merge the old Ely South ward and the old Ely West ward, and to move HH1 from the old Ely East ward to form the new Ely West ward. <i>To move the parish boundary to the north side of Lancaster Cottage to place it into the Witchford parish. At present it is in Ely parish but it is listed in the Witchford register and the electors currently vote at Witchford (Area 8) subject to the approval of the Community Governance Review Order.</i> <i>To move the parish boundary between Witchford and Ely to include the land north east of Witchford village</i>

			<p>between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish and to move those electors in Alderforth Farm and Meadowsweet into JJ1 register from HI2 register(Area 1). Subject to the approval of the Community Governance Review Order</p> <p>To move the parish boundary between Ely, Little Downham and Witchford and to include those electors and properties known as Hurst Farm, Hurst Lodge, Maple Lodge, Maple Farm and the Isle of Ely Veterinary practices from Little Downham parish to Ely West Parish. Subject to the approval of the Community Governance Review Order.</p> <p>To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7 (Green wedge) on the Council's local plan documents and Area 9 on the map, into Witchford parish Subject to the approval of the Community Governance Review Order.</p>
7	Fordham & Isleham	LA1, LB1, LE1, LI6 and LC1	To merge the old Fordham Villages ward and the old Isleham ward to form the new Fordham and Isleham ward.
8	Haddenham	JA1 and JB1	<p>To move the parish of Wentworth to the new Sutton ward and to move the parish of Witchford to the new Stretham ward.</p> <p>To move the parish boundary between Haddenham and Sutton around Hermitage Farm and place it in the Haddenham parish. At present it is in the Sutton parish but it is listed in the Haddenham register and the electors currently vote in Haddenham, subject to the approval of the Community Governance Review Order.</p>
9	Littleport	IE1, IF1 & IG1	To merge the old Littleport East and Littleport West wards to form the new Littleport ward.
10	Soham North	LF1, LG1	To move LG1 from the old Soham South ward to the new Soham North ward. To move the residents of Clay Street, odds 83 -101 and Evens 78 - 100, Mill Corner 21-83, Pratt Street odds 1-51, and all of Thomas Mews from LG3 to LG1 following the LGBCEs final recommendations.

11	Soham South	LG2, LG3 and LJ1	To move LG1 from the old Soham South ward to the new Soham North ward. . To move the residents of Clay Street, odds 83 -101 and Evens 78 - 100, Mill Corner 21-83, Pratt Street odds 1-51, and all of Thomas Mews from LG3 to LG1 following the LGBCEs final recommendations.
12	Stretham	JD1, JF1, JH1 and JJ1	<p>To move the parish of Witchford from the old Haddenham ward to the new Stretham ward.</p> <p><i>To move the residents of Bedwell Hey Park that currently vote in Wilburton parish to Witchford parish (Area 3) subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the residents of Sutton Road 2-38 evens, that currently vote in Wentworth parish to Witchford parish (Area 6) subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary to the south side of Boundary Farm to place Boundary Farm into Witchford parish at present it is in Wentworth parish but they are listed on the Witchford register and the electors currently vote at Witchford (Area 5), subject to the approval of the Community Governance Review Order</i></p> <p><i>To move the parish boundary to the north side of Lancaster Cottage to place it in Witchford parish. At present it is in Ely parish but it is listed in the Witchford register and the electors currently vote at Witchford, as Area 8 on the map [added for the sake of clarity] subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7 (Green wedge) on the Council's local plan documents and Area 9 on the map, into Witchford parish. Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary between Witchford and Ely to include the land north east of Witchford village</i></p>

			<p>between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish and to move those electors in Alderforth Farm and Meadowsweet into the JJ1 register from HI2 register. Identified as Area 1 on the Witchford map [as requested by Witchford Parish council] Subject to the approval of the Community Governance Review Order</p> <p>To move the parish boundary between Wilburton and Witchford for those electors on Grunty Fen Road, south of the village leading to the Grunty Fen Catchwater drain who currently vote in Wilburton and move them back into Witchford parish identified as Area 4 on the map [added for the sake of clarity] Subject to the approval of the Community Governance Review Order.</p> <p>To move the parish boundary between Wilburton and Witchford for the parcel of land adjacent to Grunty Fen Catchwater drain to Little Thetford parish boundary and any electors and the property known as Kermuel into Witchford parish, identified as Area 2 on the map[added for the sake of clarity] Subject to the approval of the Community Governance Review Order.</p> <p>To move the parish boundary between Wilburton and Wentworth, north of Pools Road around the properties on Church Road known as No 6, 3 & 3A, Fen View, The Willows, Fairwinds and Nos 1 to 8 Staple Field and any electors. The electors currently vote in Wilburton and it is proposed they will now vote in Wentworth. [Request received from Councillor Hunt] Subject to the approval of the Community Governance Review Order.</p> <p>To move the parish boundary between Wentworth and Witchford to include the land between Marrow Way Lane Witchford and the A142 into Witchford parish identified as Area 7 on the map [added for the sake of clarity] Subject to the approval of the Community Governance Review Order</p>
13	Sutton	JC1, JE1, JG1 and JI1	To move the parishes of Mepal and Witcham from the old Downham

			<p>Villages ward and to move the parish of Wentworth from the old Haddenham ward to the new Sutton ward.</p> <p><i>To move the parish boundary between Haddenham and Sutton around Hermitage Farm and place it in the Haddenham parish. At present it is in the Sutton parish but it is listed in the Haddenham register and the electors currently vote in Haddenham. Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary between Sutton and Mepal to include the land known as MEP.H1 in the Council's local plan document into Mepal parish. Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary to incorporate the houses at White Gate Farm and associated land from Sutton parish to Mepal parish [at the request of Sutton parish council and the agreement of both parish councils.] Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary around the property known as Amberlea Country Kennels and the associated land and any electors from Witcham parish into Sutton parish. [Request was received from Sutton Parish council] Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary between Wentworth and Witchford to include the land between Marrow Way Lane Witchford and the A142 into Witchford parish identified as Area 7 on the map [added for the sake of clarity] Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary between Wilburton and Wentworth, north of Pools Road around the properties on Church Road known as No 6, 3 & 3A, Fen View, The Willows, Fairwinds and Nos 1 to 8 Staple Field and any electors. The electors currently vote in Wilburton and it is proposed they will now vote in Wentworth. [Request</i></p>
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			<i>received from Councillor Hunt] Subject to the approval of the Community Governance Review Order.</i>
14	Woodditton	MA1, MC1, MD1, ME1, MF1, MG1, MH1, MJ1, MK1 and MK2.	To merge the old Cheveley Ward and the old Dullingham Villages ward to form the newly created Woodditton ward. To move the parish of Burrough Green from the old Bottisham ward into the newly formed Woodditton ward.

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

Bottisham

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
KA1	Bottisham	Royal British Legion Downing Close		Yes
KC1	Lode	Fassage Hall Station Road		Yes
MB1	Brinkley	Brinkley Memorial Hall High Street		Yes
MC1	Burrough Green	Burrough Green Village Hall Bradley Road		Yes
MI6	Westley Waterless	Westley Waterless Village Hall Main Street		Yes
Returning Officer's Proposals				
<p>To move those electors from Reach, Swaffham Bulbeck and Swaffham Prior from the old 'Swaffhams' ward into the new Bottisham ward.</p> <p>To move those electors that fall within Burrough Green parish from the old Bottisham ward to the newly formed Woodditton ward.</p> <p>There are no proposed changes to registers or polling stations.</p>				
General Comments				
<p>We are aware of vehicular access issues to polling station at Lode, i.e. there is minimal parking for disabled electors, car park surface not good for anyone with mobility problems.</p>				

Burwell

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
KB1	Burwell	Burwell Baptist Church x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.		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.		Yes
The Returning Officer's Proposal				
<p>There are no proposed changes to registers or polling stations.</p>				
General Comments				

Cheveley

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
MA1	Ashley	Ashley Village Hall High Street		Yes
MD1	Cheveley North	Newmarket Town Football Club Cricket Field Road		Yes
ME1	Cheveley South	Cheveley Primary School Community Room High Street		Yes
MG1	Kirtling	Kirtling Village Hall		Yes
MJ1	Woodditton Urban	Newmarket Town Football Club Cricket Field Road		Yes
The Returning Officer's Proposal				
<p>To move those electors from Ashley, Cheveley North, Cheveley South, Kirtling and Woodditton Urban from the old Cheveley Ward into the newly formed Woodditton Ward.</p> <p>There are no proposed changes to registers or polling stations</p>				
General Comments				

Downham

Existing Arrangements				
Polling District	Polling Places	Polling Stations	Electors	Disabled Access
IA1	Coveney	Coveney Village Hall School Lane		Yes
IB1	Downham South	Little Downham Village Centre Main Street		Yes
ID1	Downham North	Pymoor Methodist Church Main Street		Yes
JC1	Mepal	Mepal Village Hall School Lane		Yes
JI1	Witcham	Witcham Village Hall Martins Lane		Yes
The Returning Officer's Proposal				
<p>To move those electors that fall within the parishes of Mepal and Witcham from the old Downham Villages ward into the new Sutton ward.</p> <p><i>To move the parish boundary between Ely, Little Downham and Witchford and to include those electors and properties known as Hurst Farm, Hurst Lodge, Maple Lodge, Maple Farm and the Isle of Ely Veterinary practice from Little Downham parish to Ely West parish. Subject to the approval of the Community Governance Review Order.</i></p> <p><i>To move the parish boundary around the property known as Amberlea Country Kennels and the associated land and any electors from Witcham parish into Sutton parish [Request was received from Sutton parish council] subject to the approval of the Community Governance Review Order.</i></p> <p>There are no proposed changes to polling stations.</p>				

General Comments

Gravel driveway/car park at Coveney is not ideal for people with mobility problems. Mepal Village Hall car park needs some improvements to surface, i.e. potholes.

Dullingham Villages

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
MF1	Dullingham	The Taylor Hall Church Close		Yes
MH1	Stetchworth	Ellesmere Centre Ley Road		Yes
MK1	Woodditton Rural	Parsonage Farm Barns Parsonage Farm Lane		Yes
MK2	Woodditton Rural	Methodist Church Saxon Street		Yes
The Returning Officer's Proposal				
To move those electors in Dullingham, Stetchworth, MK1 and MK2 Woodditton Rural areas from the old Dullingham ward into the newly formed Woodditton ward.				
There are no proposed changes to registers or polling stations				
General Comments				

Ely East

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
HA6	Stuntney	Stuntney Social Club Soham Road		Yes
HC1	Prickwillow	Prickwillow Village Hall Main Street		Yes
HD6	Queen Adelaide	Queen Adelaide Village Hall Prickwillow Road		Yes
HG1	Ely East	St Peters Hall Broad Street		Yes
HH1	Ely East	The Forum Barton Road		Yes
HK1	Ely East	Vernon Cross Room, The Old Gaol House, Lynn Road		Yes
The Returning Officer's Proposal				
To move those electors in HH1 from the old Ely East ward into the new Ely West ward.				
To move those electors in HC1 and HD6 from the old Ely East ward into the new Ely North ward.				
To move those electors in HF1 from the old Ely North ward into the new Ely East ward.				
To move those electors of Carey Close and 102-164 Kings Avenue from the HF1 polling district to HF2 as part of the LGBCE's final recommendations.				
To consider the use of either Bell Holt Community Room or the old Magistrates Court in HK1 polling district on a temporary basis whilst the Vernon Cross room is				

undergoing refurbishment works. There are no other proposed changes to polling stations

General Comments

Ely North

Existing Arrangements

Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
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.		Yes
HF2	Ely North	The Conference Room, Princess of Wales Hospital, x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.		Yes – with ramp
HJ6	Chettisham	St Michael and All Angels Church Chettisham		Yes

The Returning Officer's Proposals

To use St Michael and All Angels Church in Chettisham with the use of portable toilet facilities to retain a polling place in Chettisham village.

To move those electors in HC1 and HD6 from the old Ely East ward into the new Ely North ward.

To move those electors in HF1 from the old Ely North ward into the new Ely East ward.

To move those electors of Carey Close and 102-164 Kings Avenue from the HF1 polling district to HF2 as part of the LGBCE's final recommendations.

There are no proposed changes to polling stations.

General Comments

Ely South

Existing Arrangements

Polling District	Polling Places	Polling Station	Electors	Disabled Access
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.		Yes

The Returning Officer's Proposals

To move those electors in HI2 from the old Ely South ward into the new Ely West ward.

To move the parish boundary to the north side of the property called Lancaster Cottage to place into the Witchford parish. At present it is in Ely parish but it is listed in the Witchford register and the electors currently vote in Witchford. Subject to the approval of the Community Governance Review Order.

To move the parish boundary between Witchford and Ely to include the land north east of Witchford village between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish and to move those electors in Alderforth Farm and Meadowsweet into JJ1 register from HI2 register. Subject to the approval of the Community Governance Review Order

To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7 (Green wedge) on the Council's local plan documents and Area 9 on the map, into Witchford parish. Subject to the approval of the Community Governance Review Order.

There are no proposed changes to polling stations

General Comments

Ely West

Existing Arrangements				
Polling Districts	Polling Places	Polling Station	Electors	Disabled Access
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.		Yes

The Returning Officer's Proposal

To move those electors in HI2 from the old Ely South ward into the new Ely West ward.

To move the parish boundary between Ely, Little Downham and Witchford and to include those electors and properties known as Hurst Farm, Hurst Lodge, Maple Lodge, Maple Farm and the Isle of Ely Veterinary practice from Little Downham parish to Ely West parish. Subject to the approval of the Community Governance Review Order

There are no proposed changes to polling stations

General Comments

Fordham Villages

Existing Arrangements				
Polling Districts	Polling Places	Polling Stations	Electors	Disabled Access
LA1	Chippenham	Chippenham Village Hall High Street		Yes
LB1	Fordham	Victoria Hall Carter Street		Yes
LE1	Kennett	Kennett Pavilion Station Road		Yes
LI6	Snailwell	The Conservatory Room of The George & Dragon Public House		Yes

The Returning Officer's Proposal

To move those electors that fall within the parishes of Chippenham, Fordham, Kennett and Snailwell from the old Fordham Villages ward together with the electors that fall within the Isleham parish from the old Isleham ward to form the new Fordham and Isleham ward.

There are no proposed changes to registers or polling stations

General Comments

Haddenham

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.		Yes
JB1	Aldreth	Aldreth Village Centre High Street		Yes
JG1	Wentworth	Wentworth Hall Church Road		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.		Yes

The Returning Officer's Proposal

To move those electors in the parish of Wentworth from the old Haddenham ward into the new Sutton ward.

To move those electors in the parish of Witchford from the old Haddenham ward into the new Stretham ward.

To move the parish boundary between Haddenham and Sutton around Hermitage Farm and place it in the Haddenham parish. At present it is in the Sutton parish but is listed in the Haddenham register and the electors currently vote in Haddenham, subject to the approval of the Community Governance Review Order.

To move the parish boundary to the north side of Lancaster Cottage to place into the Witchford parish. At present it is in Ely parish but it is listed in the Witchford register and the electors currently vote in Witchford, subject to the approval of the Community Governance Review Order.

To move the parish boundary and those electors of Sutton Road 2-24 evens, that currently vote in Wentworth parish to Witchford parish subject to the approval of the Community Governance Review Order.

To move the parish boundary between Witchford and Ely to include the land north east of Witchford village between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish and to move those electors in Alderforth Farm and Meadowsweet into JJ1 register from HI2 register. Subject to the approval of the Community Governance Review Order.

To move the electors from Bedwell Hey Park that currently vote in Wilburton parish to Witchford parish subject to the approval of the Community Governance Review Order.

To move the parish boundary to the South side of Boundary Farm into Witchford parish, at present it is in the Wentworth parish but they are listed in the Witchford register and the electors currently vote at Witchford, subject to the approval of the Community Governance Review Order.

To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7 (Green wedge) on the Council's local plan documents and Area 9 on the map, into Witchford parish. Subject to the approval of the Community Governance Review Order.

There are no proposed changes to polling stations

General Comments

Isleham

Existing Arrangements

Polling District	Polling Places	Polling Station	Electors	Disabled Access
LC1	Isleham	The Beeches, 32 Mill Street		Yes

The Returning Officer's Proposal

To move those electors from the parish of Isleham into the new Fordham and Isleham ward.

There are no proposed changes to registers or polling stations

General Comments

Littleport East

Existing Arrangements

Polling District	Polling Places	Polling Station	Electors	Disabled Access
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.		Yes
IG1	Littleport	The Community Centre Black Horse Drove		Yes

The Returning Officer's Proposal

To move those electors in IF1 and IG1 from the old Littleport East ward into the newly formed Littleport ward.

There are no proposed changes to registers or polling stations

General Comments

Littleport West

Existing Arrangements

Polling District	Polling Place	Polling Station	Electors	Disabled Access
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IE1	Littleport	The Vine Community Rooms, Globe Lane, x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.		Yes
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The Returning Officer's Proposal

To move those electors in IE1 from the old Littleport West ward into the newly formed Littleport ward.

There are no proposed changes to registers or polling stations

General Comments

In 2017 we received a comment from a resident asking why we used The Vine as a polling station and would it not be more considerate to consider to source a secular and neutral venue as a polling station. Other areas have been considered in the past but at present there is not a suitable alternative venue to use.

Soham North

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.		Yes – with ramp

The Returning Officer's Proposal

To move those electors in LG1 from the old Soham South ward to the new Soham North ward.

To move those electors of Clay Street odds 83-101 and Evens 78-100, Mill Corner 21-83, Pratt Street odds to 1-51, and all of Thomas Mews from LG3 to LG1 following the LGBCE's final recommendations.

There are no proposed changes to polling stations

General Comments

Soham South

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
LG1/LG3	Soham Central	The Walter Gidney Pavilion Recreation Ground x2 stations, 1 station covers LG1 and the other Station covers LG3		Yes
LG2	Soham South	The Walter Gidney Pavilion		Yes
LJ1	Wicken	The Mission Hall High Street		Yes

The Returning Officer's Proposals

To move those electors in LG1 from the old Soham South ward to the new Soham North ward.

To move those electors of Clay Street odds 83-101 and Evens 78-100, Mill Corner 21-83, Pratt Street odds to 1-51, and all of Thomas Mews from LG3 to LG1 following

the LGBCE's final recommendations

There are no proposed changes to polling stations

General Comments

Stretham

Existing Arrangements

Polling District	Polling Place	Polling Station	Electors	Disabled Access
JD1	Stretham	Stretham Church Hall		Yes
JF1	Thetford	Little Thetford Village Hall The Wyches		Yes
JH1	Wilburton	St Peters Hall High Street		Yes

The Returning Officer's Proposal

To move those electors from the parish of Witchford from the old Haddenham ward to the new Stretham ward.

To move the electors from Bedwell Hey Park that currently vote in Wilburton parish to Witchford parish subject to the approval of the Community Governance Review Order.

To move those electors of Sutton Road 2-24 evens, that currently vote in Wentworth parish to Witchford parish subject to the approval of the Community Governance Review Order.

To move the parish boundary to the north side of Lancaster Cottage and place it in Witchford parish, at present it is in Ely parish but it is listed in the Witchford register and the electors currently vote at Witchford, subject to the approval of the Community Governance Review Order.

To move the parish boundary to the South side of Boundary Farm into Witchford parish, at present it is in the Wentworth parish but they are listed in the Witchford register and the electors currently vote at Witchford, subject to the approval of the Community Governance Review Order.

To move the parish boundary between Witchford and Ely to include the land north east of Witchford village between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish and to move those electors in Alderforth Farm and Meadowsweet into JJ1 register from HI2 register. Subject to the approval of the Community Governance Review Order

To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7 (Green wedge) on the Council's local plan documents and Area 9 on the map, into Witchford parish. Subject to the approval of the Community Governance Review Order.

There are no proposed changes to polling stations

General Comments

Sutton

Existing Arrangements

Polling District	Polling Place	Polling Station	Electors	Disabled Access
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JE1	Sutton	Royal British Legion Hall, The Brook x2 stations, one station deals with addresses from streets A-K and the second deals with addresses from streets L-Z.		Yes
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The Returning Officer's Proposals

To move those electors from the parishes of Mepal and Witcham from the old Downham Villages ward to the new Sutton ward

To move those electors from the parish of Wentworth from the old Haddenham ward to the new Sutton Ward.

To move the parish boundary between Haddenham and Sutton around Hermitage Farm and place it in the Haddenham parish. At present it is in the Sutton parish but is listed in the Haddenham register and the electors currently vote in Haddenham, subject to the approval of the Community Governance Review Order

To move those electors of Sutton Road 2-24 evens, that currently vote in Wentworth parish to Witchford parish subject to the approval of the Community Governance Review Order.

To move the parish boundary to the South side of Boundary Farm into Witchford parish, at present it is in the Wentworth parish but they are listed in the Witchford register and the electors currently vote at Witchford, subject to the approval of the Community Governance Review Order.

To move the parish boundary around the property known as Amberlea Country Kennels and the associated land and any electors from Witcham parish into Sutton parish [Request was received from Sutton parish council] subject to the approval of the Community Governance Review Order.

There are no proposed changes to polling stations

General Comments

Mepal Village Hall car park needs some improvements to surface, i.e. potholes

The Swaffhams

Existing Arrangements				
Polling District	Polling Place	Polling Station	Electors	Disabled Access
KD1	Reach	Reach Village Hall Fair Green		Yes
KE1	Swaffham Bulbeck	Downing Court Communal Room		Yes
KF1	Swaffham Prior	Swaffham Prior Village Hall High Street		Yes

The Returning Officer's Proposals

To move those electors in the parishes of Reach, Swaffham Bulbeck and Swaffham Prior from the old Swaffhams ward to the new Bottisham ward.

There are no proposed changes to registers or polling stations

General Comments

General Comments

Please note that we are aware of the following issue at our polling stations that do not fall within the remit of this review:

Gravel driveway/car park at Coveney is not ideal for people with mobility problems.

Mepal Village Hall car park needs some improvements to surface, i.e. potholes.

Vehicular access issues to polling station at Lode i.e. minimal parking for disabled electors, car park surface not good for anyone with mobility problems.

In 2017 we received a comment from a resident asking why we used The Vine as a polling station and would it not be more considerate to consider to source a secular and neutral venue as a polling station. Other areas have been considered in the past but at present there is not a suitable alternative venue to use.

We have received two comments for this review, one was from a member of public on the consultation register who would like to support the Returning Officers proposals on polling districts, places and stations as these appear logical, reasonable and practicable. They believe these meet the requirements and needs of the electors, particularly in view of the availability of a well organised postal voting option. The second response was from the Access Group and is attached at Appendix 1 – see note regarding repairs to Mepal Village Hall.

Comment on ECDC Review of Polling Districts, Polling Places and Polling Stations

I write on behalf of The East Cambridgeshire Access Group. Thank you for sending us a copy of the Review of Polling Districts, Polling Places and Polling Stations which I have read; the group also discussed the document with a member of the Electoral Services Team of East Cambridgeshire District Council (ECDC).

We would make the following comments:

- Having spoken to contacts and members who vote in a selection of polling places throughout the district we have had no reports of access problems.
- I made a site visit to Mepal Village Hall to view the car park surface and was pleased to see re-surfacing taking place.
- A member made a site visit to Fassage Hall, Lode. She spoke to voters there and agrees that parking for those with restricted mobility is not ideal; however as there are no alternative venues, having a polling station within the village for the convenience of the majority of voters made sense, bearing in mind other methods of voting are available.
- We agree the gravel car park surface at Coveney Village Hall is also not ideal but as above, there are no alternative sites in the village.
- Installing a temporary WC at the Chettisham Polling Station is a sensible solution.

We would further like to make comment on the provision made to assist voters:

- There is well advertised opportunity to vote by post or proxy.
- Step free access is ensured at all Polling Stations.
- Aids are provided to assist voters in accessible polling booths.
- Staff training is carried out to ensure they can assist voters when needed.
- Seating is provided in case of queuing.

Taking into account the above comments, we consider the Electoral Services Department of ECDC have made reasonable adjustments and provision to accommodate those with disabilities, enabling them to have access to the democratic process.

Thank you for your hard work ensuring access to this service.

Victoria Holden
East Cambridgeshire Access Group.
13/3/2018

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW 2018

TERMS OF REFERENCE – PROPOSALS

A review of parishes under the Local Government and Public Involvement in Health Act 2007

INTRODUCTION

Aims of the review

East Cambridgeshire District Council has resolved to undertake a Community Governance Review (CRG) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the following parish matter(s);

Parish	Matter to be considered
A- Ely East/North Parish Ward	To move those electors of Carey Close and Kings Avenue No's 102 – 164 who currently are in the Ely East Parish Ward into the Ely North Parish Ward to align the District and Parish boundaries. This comes as a result of the LGBCE's final recommendation on the district review document to move these electors into the Ely North Ward from the Ely East Ward.
B-Ely/Witchford	<ol style="list-style-type: none"> 1) To move the parish boundary between Witchford and Ely to include the land north east of Witchford village between the houses at the east end of Ely Road and the A142/Lancaster Way Business Park roundabout into Witchford parish. <i>identified as Area 1 on the Witchford Map</i> 2) To move the parish boundary to the north side of Lancaster Cottage to place it into the Witchford parish. At present it is in Ely parish but it is listed in the Witchford register and the electors currently vote at Witchford identified as Area 8 on the map [added for the sake of clarity] 3) <i>To move the parish boundary from the north side of Lancaster Cottage up to the Lancaster Way Enterprise Zone Boundary and the Lancaster Way Business Park roundabout and down to Bedwell Hey Lane. Known as Witchford 7(Green wedge) on the Council's local plan documents and Area 9 on the map, in Witchford parish.</i>
C-Witchford /Wentworth	<ol style="list-style-type: none"> 1) To move the parish boundary between Wentworth and Witchford for those electors who live on the evens side of Sutton Road Witchford and vote in Wentworth and move them back into the Witchford parish, as shown as Area 6 on the map [added for the sake of clarity]. 2) To move the parish boundary between Wentworth and Witchford to include the land between Marrow

	<p>Way lane Witchford and the A142 into Witchford parish. Identified as Area 7 on the map [added for the sake of clarity].</p> <p>3) To move the parish boundary to the south side of Boundary Farm to place Boundary Farm into Witchford parish at present it is in Wentworth parish but they are listed on the Witchford register and the electors currently vote at Witchford, extended to incorporate the triangular piece of land at the road junction identified as Area 5 on the map to clearly define the boundary line [added for the sake of clarity.]</p>
D-Wilburton /Witchford	<p>1) To move the parish boundary between Wilburton and Witchford for those electors on Bedwell Hay Park who currently have to vote in Wilburton and move them back into the Witchford parish, identified as Area 3 on the map [added for the sake of clarity].</p> <p>2) To move the parish boundary between Wilburton and Witchford for those electors on Grunty Fen Road, south of the village leading to the Grunty Fen Catchwater drain who currently vote in Wilburton and move them back into Witchford parish, identified as Area 4 on the map [added for the sake of clarity].</p> <p>3) To move the parish boundary between Wilburton and Witchford for the parcel of land adjacent to Grunty Fen Catchwater Drain to Little Thetford parish boundary and any electors and the property known as Kermuel into Witchford parish, identified as Area 2 on the map [added for the sake of clarity].</p>
E-Mepal/Sutton	<p>1. To move the parish boundary between Sutton and Mepal to include the land known as MEP.H1 in the Council's local plan documents into Mepal parish and the adjacent field, identified as Area 3 on the map. Also the area of land at the rear of Brangehill Lane upto the main road to clearly define the boundary line [added for clarity].</p> <p>2. To move the parish boundary to incorporate the houses at White Gate Farm and associated land from Sutton parish to Mepal parish.</p>
F-Haddenham /Sutton	To move the parish boundary between Haddenham and Sutton around Hermitage Farm and place it in the Haddenham parish. At present it is in the Sutton parish but it is listed in the Haddenham register and the electors currently vote in Haddenham.
G-Bottisham	To consider a request from Bottisham Parish Council to increase the number of Councillors from 11 to 12.
H – Wilburton/Wentworth	To move the parish boundary between Wilburton and Wentworth north of Pools Road around the properties on Church Road known as No 6, 3 & 3A, Fen View, The Willows, Fairwinds and Nos 1 to 8 Staple Field and any electors. The electors currently vote in Wilburton and it is proposed they will now vote in Wentworth.
I – Ely/Little Downham/Witchford	To move the parish boundary between the three parishes to move the properties known as Hurst Lodge, Hurst Farm,

	Maple Lodge, Maple Farm and The Isle of Ely Veterinary practice and the electors associated with those properties from Little Downham parish into Ely parish.
J Sutton/Witcham	To move the parish boundary around the property known as Amberlea Country Kennels and the associated land and any electors from Witcham parish into Sutton Parish.

In undertaking the review, the Council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and The Electoral Commission in April 2008. Also the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

This Council is required to have regard to Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance was published in April 2008 and it has been considered when drawing up the Terms of Reference (TOR).

What is a Community Governance Review (CGR)?

A CGR is a review of the whole or part of the district to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of elections; council size, the number of councillors to be elected to the council, and parish warding), and
- Grouping parishes under a common parish council or de-grouping parishes.

The Council is required to ensure that community governance within the area under review will be:

- Reflective of the identities and interests of the community in that area; and
- Is effective and convenient.

In doing so the CGR is required to take into account:

- The impact of community governance arrangements on community cohesion; and
- The size, population and boundaries of a local community or parish.

Why undertake a Community Governance Review?

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that recommendations made in CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Government guidance further states that it is good practice to conduct a (full) CGR at least every 10-15 years and keep the area under review in the interim. The most recent similar review of the district resulted in the:-

- The District of East Cambridgeshire (Electoral Changes) Order 2002
- Community Governance Order for Kennett 2012
- Community Governance Order for Little Thetford 2014

Specifically, this CGR will consider those items listed in the table at page 1:

The District Council is aware of four boundary anomalies,

- relating to Ely North/Ely East Wards - Item A
- relating to Witchford/Ely – Item B2
- relating to Witchford/Wentworth – Item C3
- relating to Haddenham/Sutton – Item F

The District Council has received a request regarding a plot of land between Mepal/Sutton – Item E

The request from Witchford Parish Council to review the parish boundary. – Item B1, Item C1, Item C2, Item D 1 to 3

The request from Bottisham Parish Council to increase the number of Councillors from 11 to 12 - Item G

Following a meeting of Witchford Parish council we have received a second request to review the parish boundary at Item B3 and to amend the wording in Item B1 and D2 for clarity.

The request from Sutton Parish Council to review the parish boundary between Mepal/Sutton in addition to Item E (1) - Item E(2) and to review the parish boundary between Witcham/Sutton – Item J

The request from Mepal parish council to confirm the views of Sutton parish council and to clarify the area at item E (1) to include the adjacent field and the piece of land behind Brangehill Lane to clearly identify the boundary line.

A further request from Witchford parish council to incorporate the small triangular piece of land in front of boundary farm to create a clearer boundary marker using the road as the boundary line.

The District Council has received two requests from Council Members;

1. to review the parish boundary between Ely/Little Downham/Witchford – Item I
2. to review the boundary between Wilburton/Wentworth – Item H

The Council received correspondence from the owners of Amberlea Country Kennels raising questions on the boundary area, the difference in Council Tax and planning designation. Officers have responded directly to the queries raised and the

owners are broadly supportive of the proposals now their questions have been answered.

Local Government electors and other interested organisations/groups within the district are invited to comment on the items listed in the review, or to put forward proposals. Guidance on community governance reviews is available at the link below.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

Who will undertake the CGR?

As the principal authority, the District Council is responsible for undertaking any CGR within its electoral area.

The Council will approve the final recommendations before a Community Governance Order is made.

CONSULTATION

How the Council proposes to conduct consultations during the Review?

Before making any recommendations or publishing final proposals, the District Council will take full account of the views of local people. The District Council will comply with the statutory consultative requirements by:

- Consulting local government electors for the area under review.
- Consulting any other person or body (including a local authority), which appears to the District Council to have an interest in the review.
- Notifying and consulting the county council.
- Taking into account any representations received in connection with the review.

Information relating to the CGR will be available on the Council's website and key documents will be on deposit at the District Council's offices at The Grange, Nutholt Lane, Ely, Cambridgeshire CB7 4EE.

When taking account of written representations the District Council is bound to have regard to the need to secure that community governance within the area under review:

- Reflects the identities and interests of the community in that area; and
- Is effective and convenient.

The District Council will publish its recommendations as soon as practicable and take such steps as it considers sufficient to ensure that persons who may be interested in the CGR are informed of the recommendations and the reasons behind them.

The District Council will notify each consultee and any other persons or bodies who have made written representations of the outcome of the review.

A timetable for the CGR

A CGR must, by statute, be concluded within a twelve-month period from the day on which the CGR starts. A CGR starts when the District Council publishes its Terms of Reference and concludes when the District Council publishes the recommendations made in the CGR.

The following is the review timetable:

Action	Timetable	Outline of Action
Terms of Reference (TOR) are published	Start Date 23 February 2018	District Council publishes TOR and notifies stakeholders, clearly defining extent of CGR
Introductory stage – submissions are invited	period ending 16 April 2018	District Council invites proposals from stakeholders on future arrangements under TOR
Draft proposals are prepared	By 19 April 2018	Draft proposals to be considered by Full Council
Draft proposals are published	By 20 April 2018	District Council publishes Draft proposals and notifies stakeholders
Consultation	period ending 25 June 2018	Consultation with stakeholders
Final Proposals are prepared	By 2 July 2018	Results of consultation considered and Final Proposals prepared
Final Recommendations published	By 4 July 2018	Submissions considered and final recommendations published.
Final Recommendations are published and decision by Council	12 July 2018	The Council meet to consider Final Recommendations and decide on the extent to which the Council will give effect to them.
Order made	Thereafter	Council publishes the reorganisation Order and requests the Electoral Commission to approve any consequential changes.

ELECTORATE FORECASTS

In considering the electoral arrangements of the parish stated within these Terms of Reference the District Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

The District Council has used the Register of Electors 2018 published on 1 December 2017 to provide existing local government figures.

Electorate forecasts will be prepared using all available information.

Parish	Current Electorate	Forecast Electorate
Ely HI2	3264	3180
Ely HF1	2865	3850
Ely HF2	2366	3490
Wentworth	139	140
Wilburton	1093	1150
Witchford	1850	1900
Haddenham	2458	2550
Sutton	3141	3180
Bottisham	1810	1980

Parishes

The Council wishes to ensure that electors should be able to identify clearly with the parish in which they are resident. It considers that this sense of identity and community lends strength and legitimacy to the parish structure, creates a common interest in parish affairs, encourages participation in elections to the parish council, leads to representatives and accountable government, engenders visionary leadership and generates a strong, inclusive community with a sense of civic values, responsibility and pride.

The Council considers that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity; the feeling of local community and the wishes of local inhabitants are primary considerations in this Review.

The Council is anxious to balance carefully the considerations of changes that have happened over time, through population shifts or additional development for example, and that have led to a different community identity with historic traditions in its area.

The Council notes the government's Guidance that community cohesion should be taken into account in this Review.

The Council also notes the government's strongly stated Guidance that it "expects to see a trend in creation, rather than abolition, of parishes" and that "the abolition of parishes should not be undertaken unless clearly justified". The Council also notes that the government also considers that, where existing parishes are abolished, "It would be undesirable to see the area becoming unparished with no community governance arrangements in place".

ELECTORAL ARRANGEMENTS

What does 'Electoral Arrangements' mean?

An important part of our Review will comprise giving consideration to 'Electoral Arrangements'. The term covers the way in which a council is constituted for the parish. It covers:

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;

- The number of councillors to be elected for any such ward;
- The name of any such ward.

Ordinary year of election

The Local Government Act 1972 states that ordinary election of parish councils shall take place in 1976, 1979 and every fourth year thereafter (ie 2007, 2011, 2015, etc). However, the government has indicated that it would want the parish electoral cycle to coincide with the cycle for the district council, so that the costs of elections can be shared.

If the Review finds that it is appropriate to create new posts for parish councillors then these will come in to effect at the next ordinary day of election i.e. 2 May 2019.

A council for a parish

The legislation lays down the different duties that the Council has with regard to the creation of a council for a parish.

- Where the number of electors is 1,000 or more – a parish council must be created;
- Where the number of electors is 151-999 – a parish council may be created, with a parish meeting being the alternative form of governance;
- Where the number of electors is 150 or fewer – a parish council is not created.

What considerations cover the number of parish councillors?

The government has advised, and this Council concurs that “it is an important demographic principle that each person’s vote should be of equal weight so far as possible, having regard to other legitimated competing factors, when it comes to the elections of councillors. Likewise, the Council notes that the number of parish councillors for each parish council shall not be less than five. There is no maximum number. There are no rules relating to the allocations of councillors. However, in dealing with a request the following guidelines, which are based on recommendations from the LGBCE, will be followed.

Number of Parish Councillors Guidelines

Electors	Councillors
Up to 500	5-8
Between 501 and 2,500	6-12
Between 2,501 and 10,000	9-16
Between 10,001 and 20,000	13-27
Over 20,000	13-31

The government’s guidance is that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities,” and therefore the Council is prepared to pay particular attention to existing levels of representation, the broad pattern of existing council sizes which have stood the test of time and the take-up of seats at elections in its consideration of this matter.

By law, the Council must have regard to the following factors when considering the number of councillors to be elected for the parish:

- The number of local government electors for the parish;
- Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Parish Warding

The Act requires that in considering whether a parish should be divided into wards for the purposes of elections of the parish council the Council should consider the following:

Whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient;
Whether it is desirable that any area or areas of the parish should be separately represented on the council.

The government's guidance is that "the warding of parishes in largely rural areas that are based predominately on a single centrally-located village may not be justified. Conversely, warding may be appropriate where the parish encompasses a number of villages with separate identities, a village with a large rural hinterland or where, on the edges of towns, there has been some urban overspill into the parish".

The Council will be mindful of all this guidance, noting further that "each case should be considered on its merits and on the basis of the information and evidence provided during the course of the review."

The Council notes that warding arrangements should be clearly and readily understood by and should have relevance for the electorate of the parish; they should reflect clear physical and social differences within a parish; one parish but comprising different parts.

The Council recognises that ward elections should have merit; not only should they meet the two tests laid down in the Act, but they should also be in the interests of effective and convenient local government. They should not be wasteful of a parish's resources.

District Warding and County Division Boundaries

It is envisaged that the issues which are the subject of this review will require alterations to the boundaries to the parish wards within the County Divisions.

The LGBCE is responsible for deciding whether boundary changes of this nature should be made and will require that the Council has consulted on any such recommendations. If the need for changes becomes apparent during the course of this review the Council will endeavour to incorporate them within the consultation at the earliest opportunity.

REORGANISATION OF COMMUNITY GOVERNANCE ORDERS AND COMMENCEMENT

The Review will be completed when the Council adopts the Reorganisation of Community Governance Order. Copies of this Order, the map(s) that show the

effects of the order in detail, and the document(s) which set out the reason for the decisions that the Council has taken (including where it has decided to make no change following a Review) will be deposited at the Council's Offices, website and Community Offices.

In accordance with the Guidance issued by the Government the Council will issue maps to illustrate each recommendation at a scale that will not normally be smaller than 1:10,000. These maps will be deposited with the Secretary of State at the Department of Communities and Local Government and at the Council's office at The Grange, Nutholt Lane, Ely, Cambs. Prints will also be supplied, in accordance with the regulations, to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency, the Boundary Commission for England and the Local Government Boundary Commission for England.

It is proposed that the Order will take effect for financial and administrative purposes on 1 December 2018

The electoral arrangements for a new or existing parish council will come into force at the next elections to the parish council, which will be on 2 May 2019.

CONSEQUENTIAL MATTERS

General Principles

The Council notes that a Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include:

- The transfer and management or custody of property;
- The setting of precepts for new parishes;
- Provision with respect to the transfer of any functions, property, rights and liabilities;
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

In these matters, the Council will be guided by Regulations that have been issued following the 2007 Act.

In particular, the Council notes that the Regulations regarding transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate portion.

How to contact us

Should you wish to submit a written representation regarding this review please address to:

The Electoral Services Section, East Cambridgeshire District Council,
The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE

Alternatively your submission may be emailed to:
elections@eastcambs.gov.uk

Should you require any further information or need clarification on the review process, please contact:

Joan Cox, Electoral Services Team Leader, at the office address above, or via email at joan.cox@eastcambs.gov.uk or by telephone on 01353 616460

Publication of Terms of Reference

These Terms of Reference will be published on the District Council website <http://www.eastcambs.gov.uk> and will be available for inspection at the offices at The Grange, Nutholt Lane, Ely, Cambs, CB7 4EE

Notices advertising this Community Governance Review and the availability of the Terms of Reference will also be posted within each Parish.

Date of Publication

20 April 2018

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

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Age
Religion and Belief
Sexual Orientation

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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.

We have received feedback from the Access Group: I write on behalf of Cambridge Access Group. We would like to make the following comments:

Having spoken to contacts and members who vote in a selection of polling places throughout the district we have had no reports of access problems.

I made a site visit to Mepal Village Hall to view the car park surface and was pleased to see re-surfacing taking place.

A member made a site visit to Fassage Hall Lode. She spoke to voters there and agrees that parking for those with restricted mobility is not ideal; however as there are no alternative venues, having a polling station within the village for the convenience of the majority of voters made sense, bearing in mind other methods of voting are available.

We agree the gravel car park surface at Coveney Village Hall is also not ideal but as above, there are no alternative sites in the village.

Installing a temporary WC at the Chettisham Polling Station is a sensible solution.

We would further like to make comment on the provision made to assist voters:

There is well advertised opportunity to vote by post or proxy.

Step free access is ensured at all polling stations

Aids are provided to assist voters in accessible polling stations.

Staff training is carried out to ensure they can assist voters when needed.

Seating is provided in case of queuing.

Taking into account the above comments, we consider the Electoral Services Department of ECDC have made reasonable adjustments and provision to accommodate those with disabilities, enabling them to have access to the democratic process. Thank you for your hard work ensuring access to this service.

We have also received the following comments:

- I would like to support the Returning Officer's proposals on PDR as these appear logical, reasonable and practicable. I believe these meet the requirements and needs of the electors, particularly in view of the availability of a well organised postal voting option.
- Please can you inform me as to why my polling station is, and has been for many previous elections, a church? Would it not be more considerate and inclusive to source a secular and neutral venue for a polling station? **We responded:** Other areas have been considered in the past but at present there is not a suitable alternative venue to use.

(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.

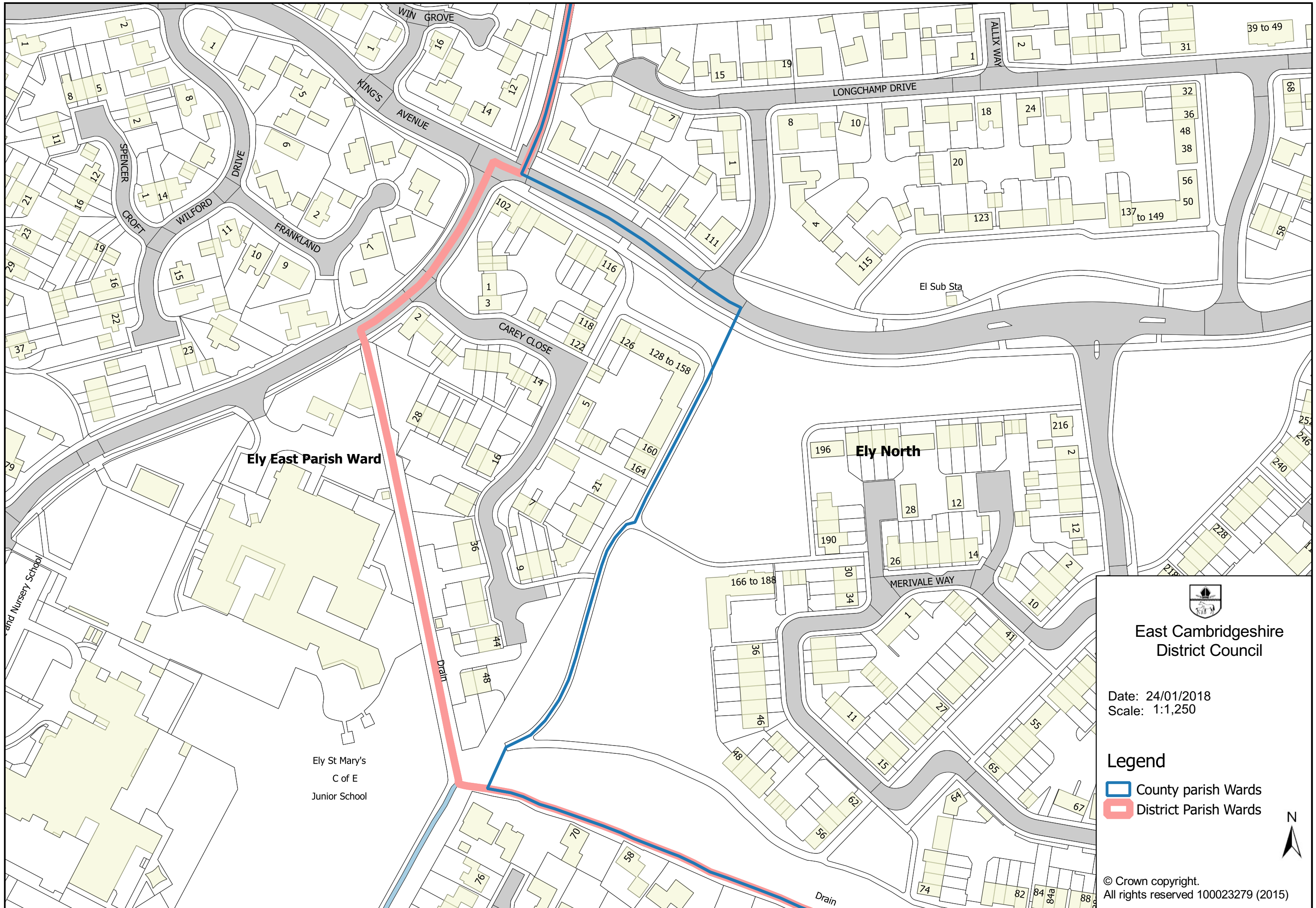
This completed INRA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to Nicole Pema, Principal HR Officer.**

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:** _____



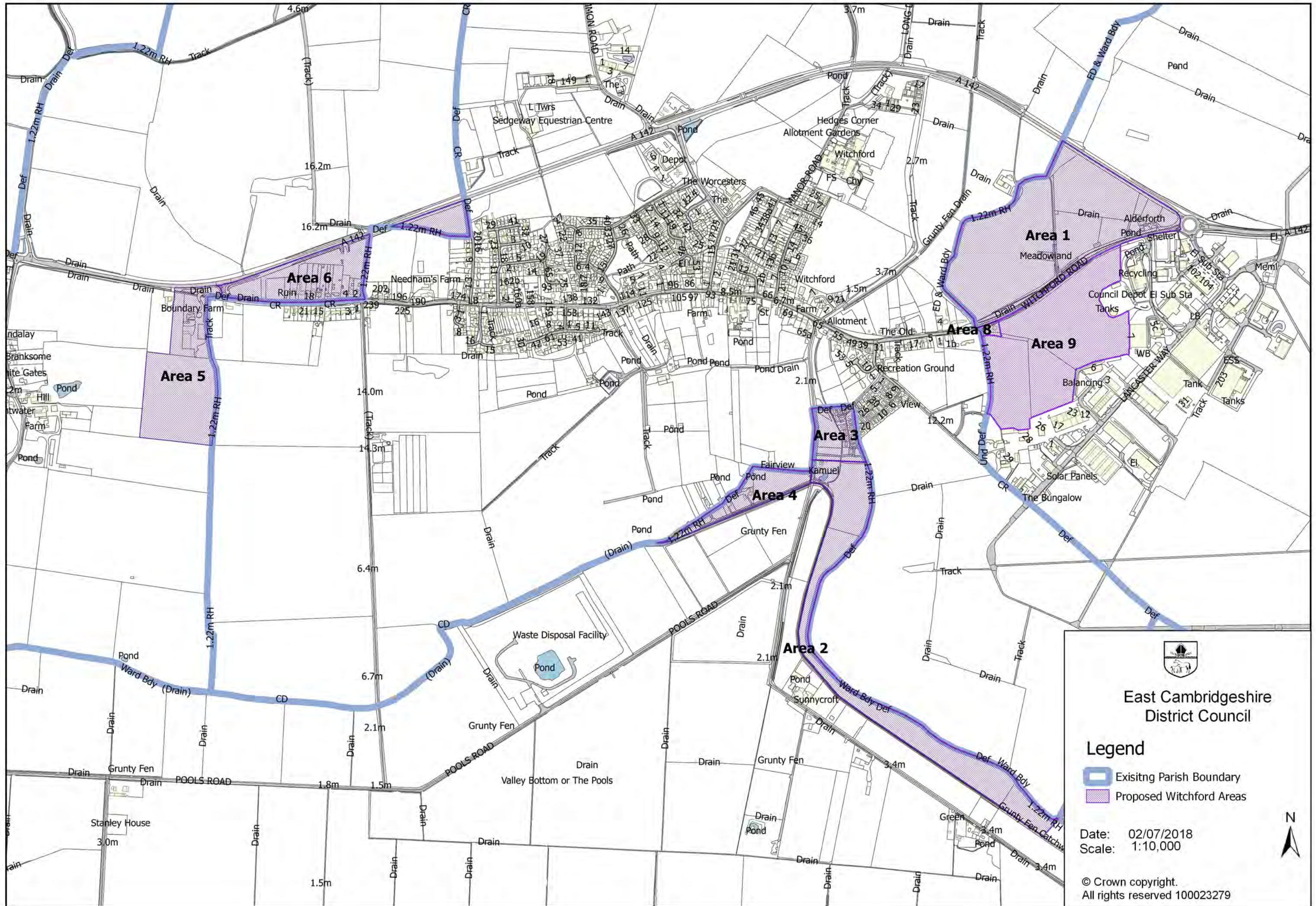
East Cambridgeshire District Council

Date: 24/01/2018
Scale: 1:1,250

Legend



- ▭ County parish Wards
- ▭ District Parish Wards





East Cambridgeshire District Council

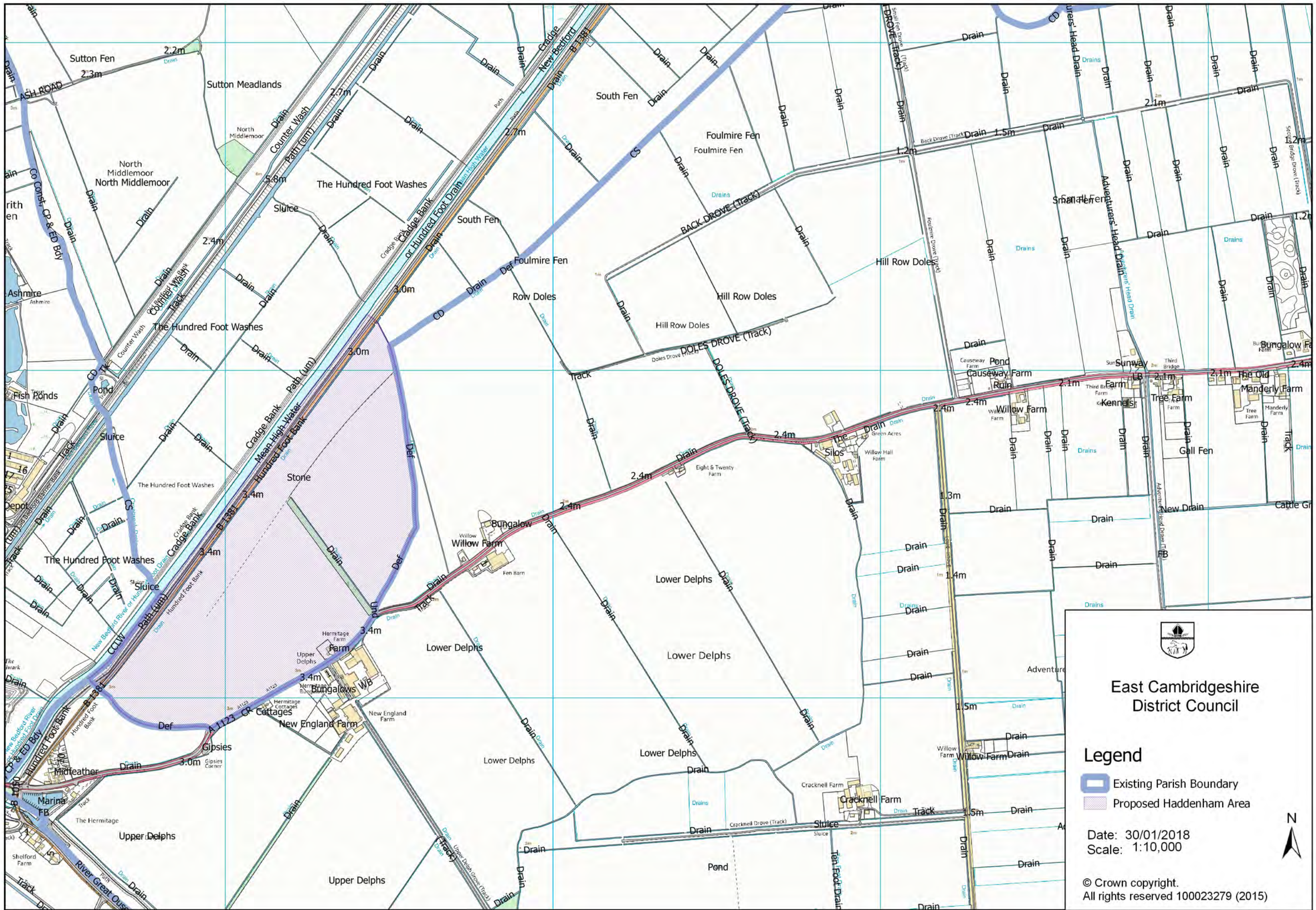
Legend

-  Existing Parish Boundary
-  Proposed Witchford Areas

Date: 02/07/2018
 Scale: 1:10,000

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District Council**

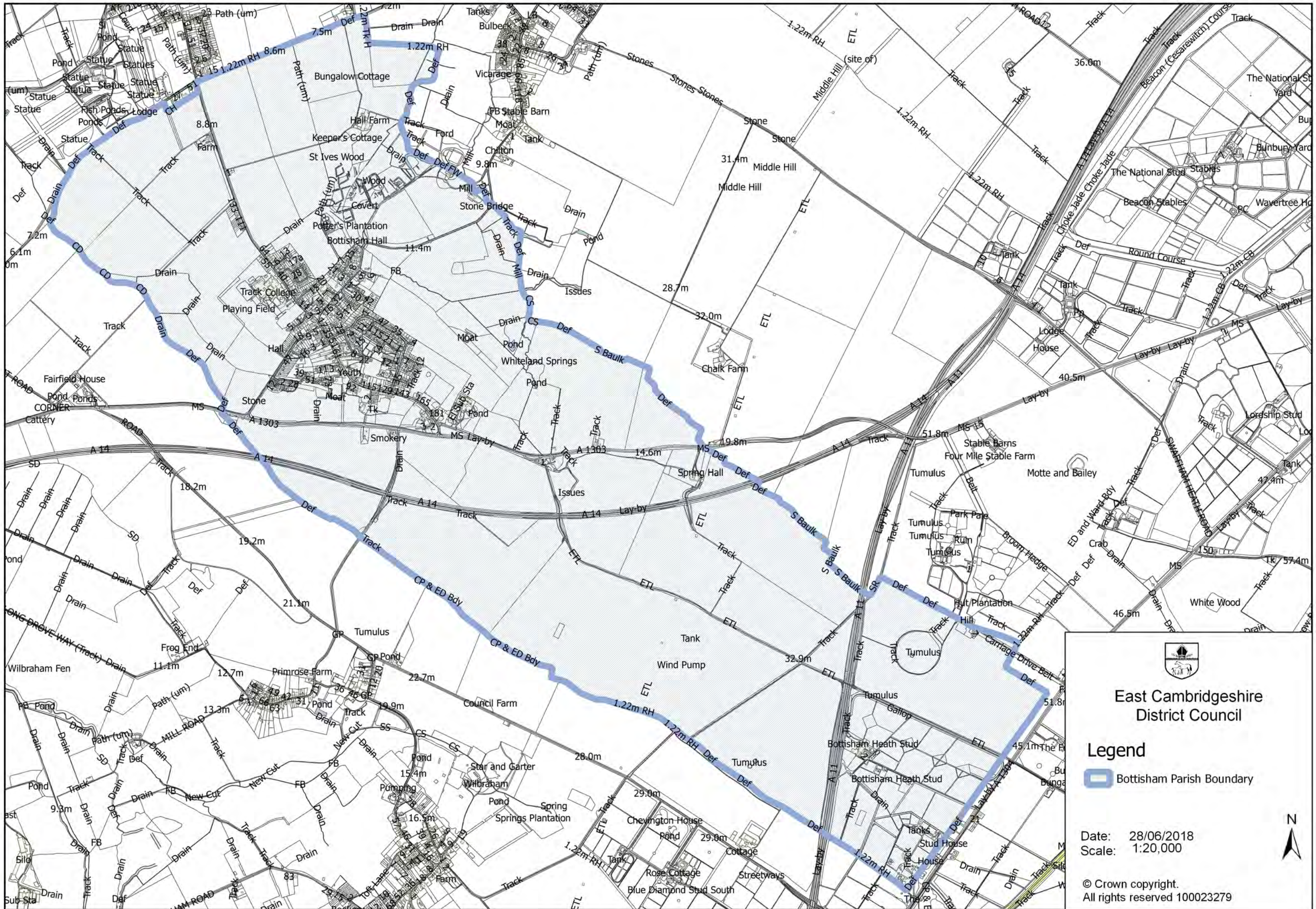
Legend

- Existing Parish Boundary
- Proposed Haddenham Area

Date: 30/01/2018
Scale: 1:10,000




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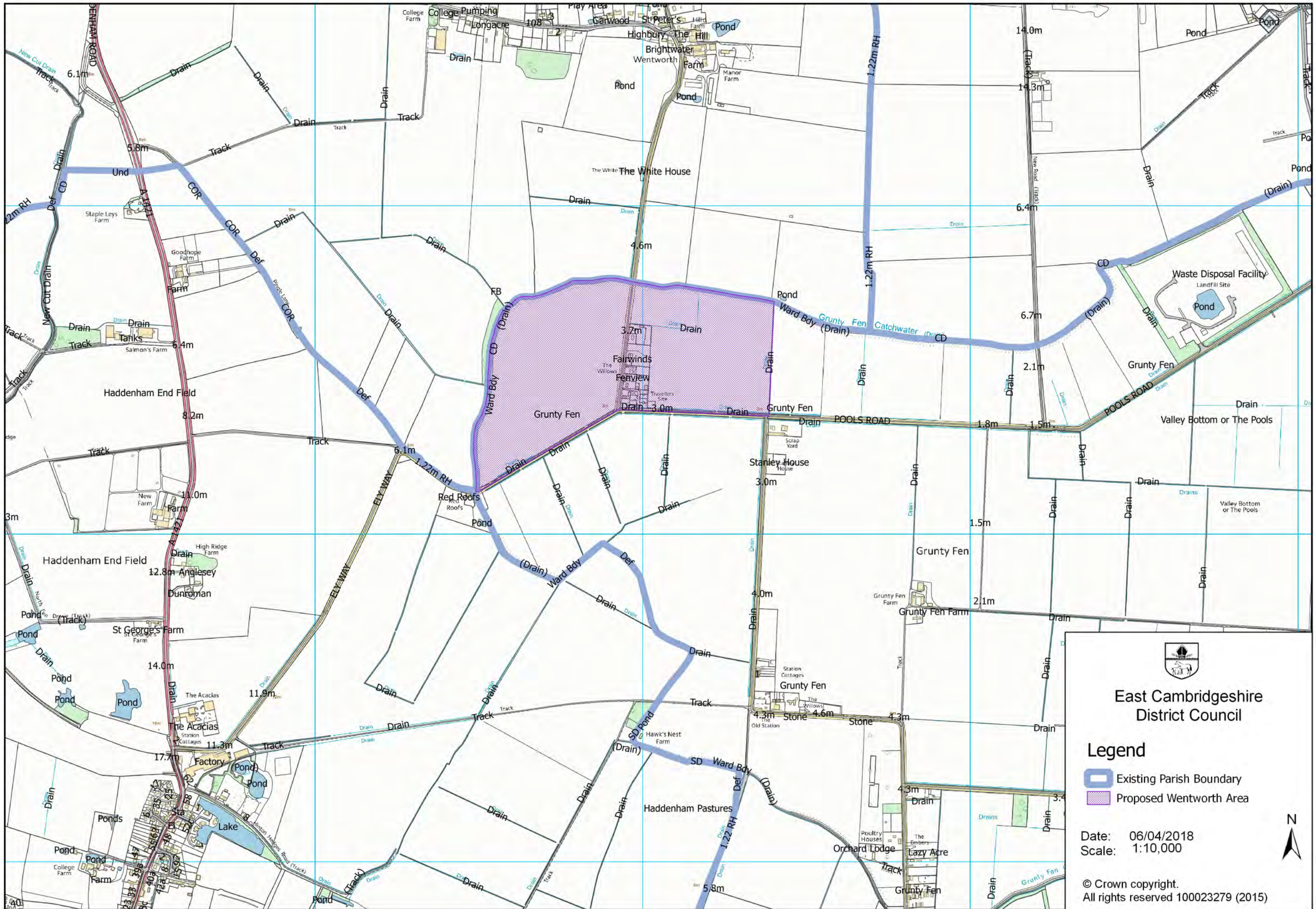
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 Bottisham Parish Boundary

Date: 28/06/2018
Scale: 1:20,000

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District Council

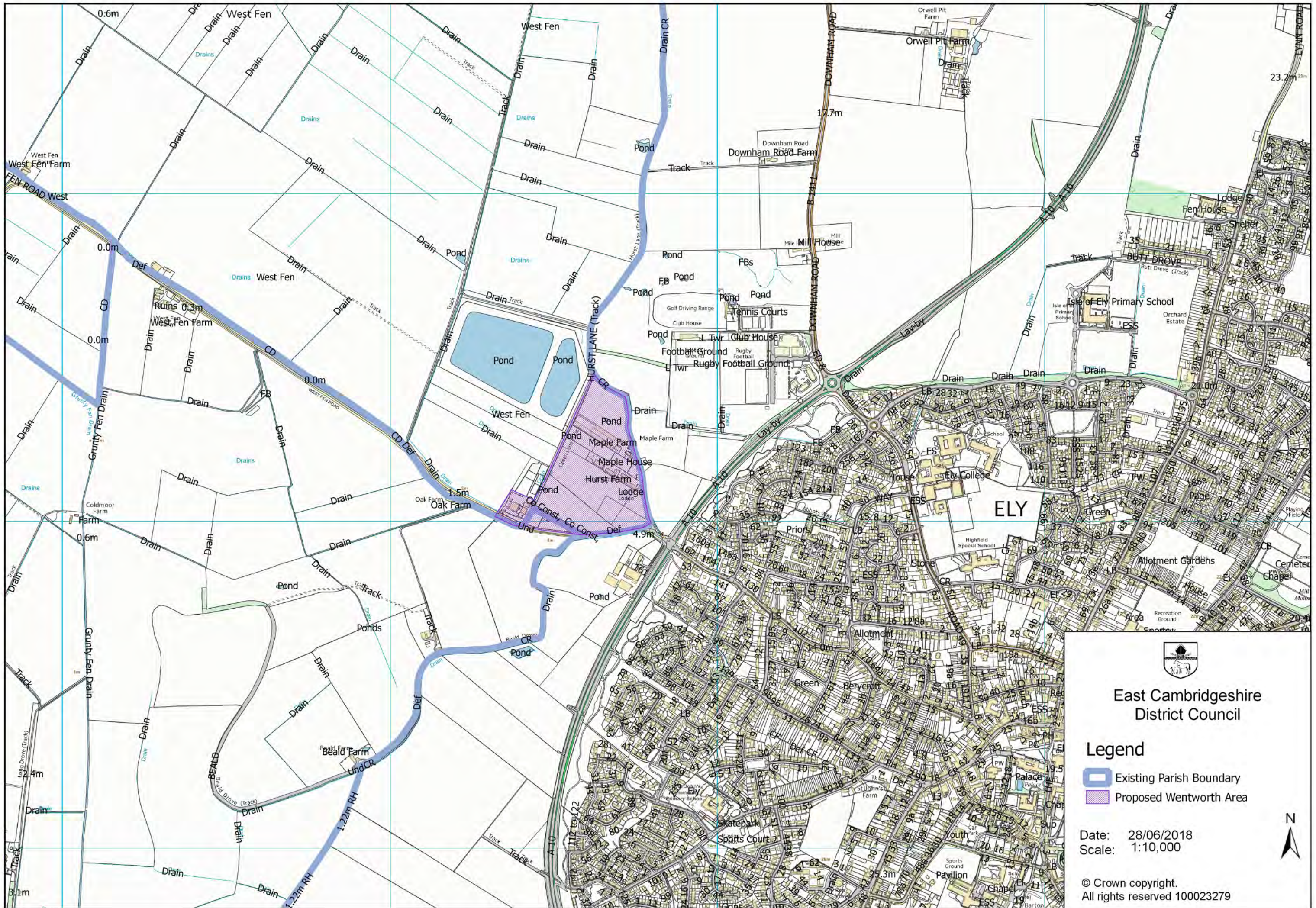
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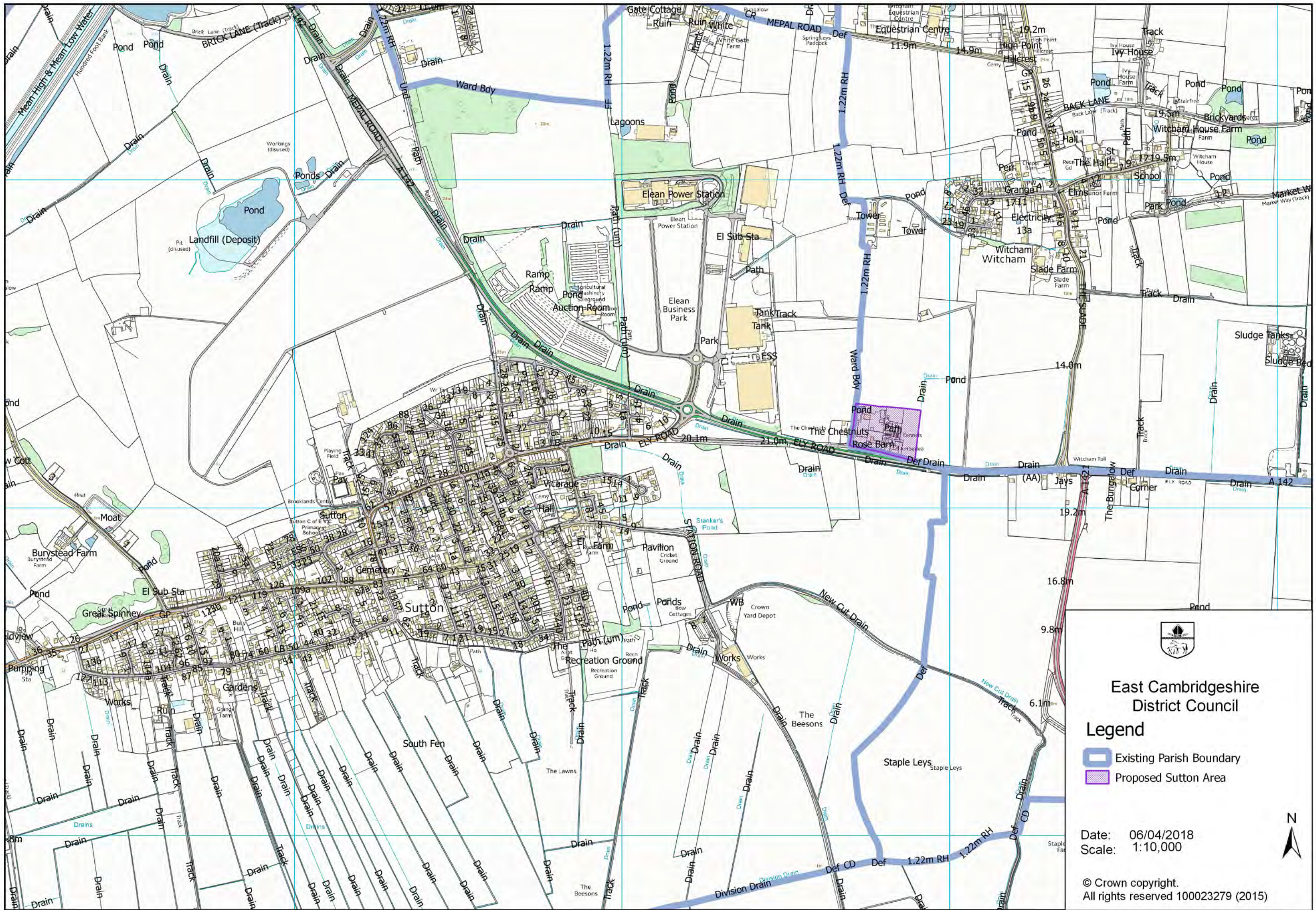
- Existing Parish Boundary
- Proposed Wentworth Area

Date: 06/04/2018
Scale: 1:10,000



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East Cambridgeshire District Council

Legend

- Existing Parish Boundary
- Proposed Sutton Area

Date: 06/04/2018
 Scale: 1:10,000



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

To: Council
Date: 12 July 2018
Author: Electoral Services Team Leader

[T49]

1.0 ISSUE

1.1 To consider the outcome of the Polling Districts, Polling Places and Polling Stations Review and a Community Governance Review.

2.0 RECOMMENDATIONS

2.1 Members are requested to:

- (i) Approve the Returning Officers recommendations as set out in the Polling Districts, Polling Places and Polling Stations Review (PDR) as set out in Appendix A.
- (ii) Approve the draft Community Governance Reorganisation Order 2018 as set out in Appendix B

3.0 BACKGROUND/OPTIONS

3.1 Polling Districts, Polling Places and Polling Stations Review.

In order to reflect the new warding arrangements agreed by the Local Government Boundary Commission for England (LGBCE), the Council must conduct a Polling Districts, Polling Places and Polling Stations Review (PDR).

Members are requested to recommend the Returning Officer's Proposals for the PDR as set out in Appendix A.

3.2 Community Governance Review

On 22 February 2018 Council (Agenda Item 11), Members approved the commencement of the Community Governance Review (CGR) which sought to amend minor boundary changes identified by the District Council and Witchford Parish Council. Bottisham Parish Council also made representations to increase its number of councillor's from 11 to 12.

3.3 Terms of Reference and a Public Notice were approved for the CGR. As part of the initial consultation process, the commencement of the CGR was published on the Council's website, sent to all parish councils within the district; and a consultation letter enclosing copies of the public notices was widely

circulated to local stakeholders. A Members seminar was held on 22 March 2018.

- 3.4 Representations were received from Witchford, Sutton, Haddenham, Witcham and Wentworth parish councils, together with two proposals from District Ward Members. In addition a representation was received from a member of the consultee register stating that they were not in favour of increasing Bottisham parish council from 11 to 12 councillors.
- 3.5 The Terms of Reference were amended accordingly and a draft proposal was approved by Council on 19 April 2018 (Agenda Item 11).
- 3.6 As part of the consultation process, which ended on 25 June 2018, the draft proposal was published on 20 April 2018. A Members seminar was held on 15 May 2018; representations were made at the seminar to consider adding a further property into one of the proposals.
- 3.7 Stakeholders that may be affected by the review were sent copies of a consultation letter together with a copy of the draft proposals and associated maps and were requested to make any representations by the 25 June 2018.
- 3.8 Representations were received from Witchford and Mepal parish Councils, asking us to add in small pockets of land which would clearly define the boundary line.
- 3.9 The Council received correspondence from the owners of Amberlea Country Kennels raising questions on the boundary area, the difference in Council Tax and planning designation. Officers have responded directly to the queries raised and the owners are broadly supportive of the proposals now their questions have been answered.
3. The draft proposals were amended accordingly and the Final Terms of Reference are now submitted at Appendix B for recommendation for approval. If approved the Community Governance Order will be made.
- 4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT
- 4.1 There are no additional cost implications to the budget of the Council.
- 4.2 The recommendations would see revised levels of precepts collected by each of the Council's affected, but this is not a matter that can be considered as material under a Community Governance Review unless it makes the relevant authority financially unviable. These minor changes are not considered to significantly affect the nine Council's budgets.
- 4.3 Equality Impact Assessment (INRA) is attached at Appendix C.

5.0 APPENDICES

- 5.1 Appendix A Polling Districts, Polling Places and Polling Stations
- 5.2 Appendix B Community Governance Reorganisation Order 2018
- 5.3 Appendix C Equality Impact Assessment

<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

RESOLUTION TO EXTEND 6 MONTH RULE – SECTION 85 LOCAL GOVERNMENT ACT 1972

To: Council

Date: 12th July 2018

Author: Democratic Services Manager

[T50]

1.0 PURPOSE

1.1 To consider the extension of the 6 month rule for Councillor Sue Austen, having regard to the circumstances of her absence from meetings.

2.0 RECOMMENDATIONS

2.1 That Council approves an extension of the 6 month rule for Councillor Sue Austen, on ill-health grounds, for an additional 6 month period, until the 22 February 2019, and expresses its best wishes to her for a speedy recovery.

3.0 BACKGROUND/OPTIONS

3.1 Section 85 of the Local Government Act 1972 states that “if a Member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some good reason approved by the authority before the expiry of that period, cease to be a member of the authority.” Attendance can be at any committee or sub-committee, or at any joint committee, joint board or other body where the functions of the authority are discharged or who were appointed to advise the authority on any matter relating to the discharge of their functions.

3.2 Councillor Sue Austen has been unable to attend meetings recently on ill-health grounds. The last meeting she attended was the Council meeting on 22 February 2018. Therefore, the 6 month period will expire on 22 August 2018, before the next scheduled Council meeting. Since that meeting Councillor Austen has been in hospital with a serious illness and is under ongoing medical care. Under the circumstances, it is requested that Council approve an extension of the 6 month rule for Councillor Austen on ill-health grounds and that Council’s best wishes be conveyed to Councillor Austen for a speedy recovery.

3.3 It is recommended that Council grant an extension for an additional six months. This would not prevent Councillor Austen from returning to meetings at any time, if her health allowed, but would give flexibility.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
None	Room 214B The Grange, Ely	Tracy Couper –Democratic Services Manager (01353) 616278 E-mail: tracy.couper@eastcambs.gov.uk