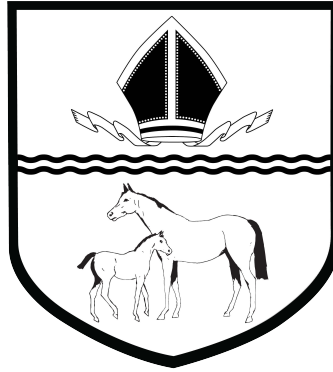




East Cambridgeshire  
District Council

**Council**

**15 October 2026**

**Agenda  
Minutes and Recommendations**

## **GUIDANCE NOTES FOR VISITORS TO THE GRANGE**

### **Parking**

Limited visitor parking is available during the daytime at the access area to The Grange, for people making short visits on Council business of up to 30 minutes. Ample free public car parking is available nearby for longer visits and location plans can be forwarded on request. On-site car parking is available for evening meetings after 5.00pm.

### **Access and Security**

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.

### **Emergencies**

In the event of a fire or any other emergency during the day, you will hear a continuous alarm. The designated officer or their deputy as set out in the displayed plans for each floor will take charge of any evacuation and try to ensure that no one is left within the areas for which they are responsible.

You should leave the building by the nearest available exit and go to the assembly point near to the exit barrier in the front car park. **Do not** use the lifts, and **do not** re-enter the building until someone advises that it is safe for you to do so.

If you discover a fire immediately operate the nearest fire alarm call point, inform reception or another member of staff, leave the building and go to the assembly point.

In the event of a fire or another emergency during an evening meeting, a member of staff will direct you to the nearest available exit.

### **First Aid**

If someone feels unwell or needs first aid, please let a member of staff know.

### **Access for People with Disabilities**

The Council Chamber and majority of Committee rooms are accessible to wheelchair users via the lift. There are specially adapted toilets on the ground floor (in main reception) and on the first floor of the building.

In the event of a fire or another emergency, wheelchair users will be guided to an area near to an exit to await the arrival of the emergency services.

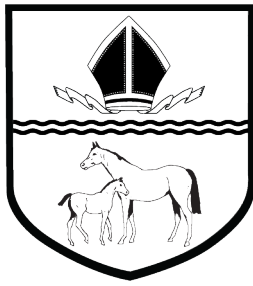
### **Toilets**

Public toilets are on the ground floor in the main reception area.

If you are visiting The Grange for an evening meeting, the toilets in close proximity to the Chamber and Committee rooms are all clearly signposted.

### **Smoking**

The Council operates a NO SMOKING policy in all its office buildings, including the car park to The Grange.



# East Cambridgeshire District Council

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## NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN** that the Council Meeting of the **EAST CAMBRIDGESHIRE DISTRICT COUNCIL** will be held on **THURSDAY 15 OCTOBER 2026** in the **COUNCIL CHAMBER** at **THE GRANGE, NUTHOLT LANE, ELY, CB7 4EE**, commencing at **6:00 pm** 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

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### Agenda

- 1. Public Question Time** **[oral]**  
The meeting will commence with up to 15 minutes of Public Question Time (PQT) – questions/statements can be submitted in advance or placed in the PQT box in the Council Chamber prior to the commencement of the meeting – see Notes below for further information on the PQT scheme.
- 2. Apologies for Absence** **[oral]**
- 3. Declarations of Interests** **[oral]**  
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 4. Minutes – 16 July 2026** **Page 1**  
To confirm as a correct record.
- 5. Chair's Announcements** **[oral]**
- 6. To receive Petition(s) (If any)** **[oral]**
- 7. Notice of Motions under Procedure Rule 10** **[oral]**

### **A. Local Government Reorganisation (LGR)**

#### **This Council notes that:**

- East Cambridgeshire District Council has consistently opposed the imposition of Local Government Reorganisation (LGR), believing residents are best served by strong local councils that know their communities.
- Despite this, the Council engaged fully and in good faith, contributing significant officer time, evidence and expertise to the LGR process.
- East Cambridgeshire has a proud record as a small council that delivers high-quality services, remains financially resilient and continues to innovate. It is one of only two councils nationally with no external borrowing, has frozen its share of Council Tax for 13 years, and has protected services without making cuts.

- The Council continues to provide free car parking, free garden waste collections, and comprehensive face-to-face customer services that include practical, in-person support around the prevention of homelessness, debt advice, and help for vulnerable residents.
- The Council has used its highly successful trading company innovatively to deliver housing, including affordable housing, and to support community-led schemes such as Community Land Trusts. Since its inception, the company has returned £6.2million to the Council, showing that East Cambridgeshire can be both commercially minded and rooted in local need. Our mantra of being “Commercial with Community” is at its heart.
- The LGR regional survey evidence found East Cambridgeshire consistently had the highest service satisfaction, strongest sense of community belonging and highest perceived value for Council Tax among the authorities compared in Cambridgeshire and Peterborough.

**This Council believes that:**

- The LGR process has been rushed and poorly managed, creating unnecessary uncertainty for residents, businesses, organisations, staff and councils. This reinforces the need for the Government to explain and evidence why reorganisation is necessary before proceeding.
- There is little evidence that larger authorities automatically deliver better services, lower costs or stronger accountability. The Government should therefore consider whether collaboration, service-level devolution and district-led delivery could achieve its objectives without the disruption of structural reorganisation.
- East Cambridgeshire District Council’s record demonstrates that a smaller authority can deliver services at low cost, maintain financial discipline, innovate, achieve high resident satisfaction and keep services close to local people. This provides a strong basis for testing whether appropriate upper-tier responsibilities could also be delivered through a locally based model.
- Developments elsewhere show that LGR is not a necessary building block for devolution. Norfolk and Suffolk are continuing towards mayoral strategic arrangements and mayoral elections even though LGR in those areas has been withdrawn and is under review. Cambridgeshire and Peterborough already has a strategic mayoral authority, so the Government should explain why disruptive structural reorganisation is still considered necessary here.
- For these reasons, the Council remains opposed to the abolition of East Cambridgeshire District Council and believes the Government should justify its preferred approach, publish the evidence behind it and properly consider less disruptive alternatives.

**This Council resolves to:**

Instruct the Leader to write to the Secretary of State to:

1. Express the Council’s disappointment with the conduct and outcome of the LGR process, and reaffirm that East Cambridgeshire District Council does not support LGR;
2. Make clear that, although opposed to LGR, the Council engaged properly and in good faith to protect the interests of its residents and backed Option B;
3. Ask the Secretary of State to explain why LGR is still considered necessary in Cambridgeshire and Peterborough when the area already has a strategic mayoral authority;
4. Ask the Government to consider alternatives to structural reorganisation, including stronger collaboration, service-level devolution and district-led delivery partnerships;

5. Request that East Cambridgeshire be considered as a pilot area for the devolution of appropriate upper-tier responsibilities, including adult services delivered through a locally based, patch-level model;
6. Ask that the financial and service assumptions behind any preferred model are published so that residents and councils can properly scrutinise them; and
7. Invite the Secretary of State and the Minister for Local Government to visit East Cambridgeshire to see how strong, cost-effective local government can be delivered close to the people it serves.

PROPOSER: Cllr Anna Bailey

SECONDER: Cllr Julia Huffer

**B. Vattenfall Proposals: Chatteris Wind Farm at Mepal and Redmere Wind Farm at Shippea Hill**

**This Council notes that:**

1. East Cambridgeshire District Council supports the generation of renewable and low-carbon energy and recognises the importance of renewables to energy security.
2. East Cambridgeshire is already making a very substantial contribution to renewable energy generation. The Cambridgeshire and Peterborough State of the Region Report records that East Cambridgeshire generated approximately 508,000 MWh of renewable energy in 2022, representing 32% of all renewable energy generation across the Cambridgeshire and Peterborough Combined Authority area – the largest contribution from any district.
3. East Cambridgeshire hosts numerous operational solar farms and other renewable energy infrastructure and has already made a significant contribution of land to the generation of renewable electricity.
4. The Sunnica Energy Farm, a nationally significant solar and battery storage development of up to 500MW, has been granted Development Consent, and the Kingsway Solar Farm developer has indicated its intention to bring forward a revised application following the withdrawal of its previous application.
5. Vattenfall is now proposing two further nationally significant onshore wind farms in East Cambridgeshire:
  - Chatteris Wind Farm at Mepal, a proposed development of approximately 2,471 acres (1,000 hectares), including up to 15 turbines with a maximum tip height of 220 metres and generating capacity of up to 126MW; and
  - Redmere Wind Farm at Shippea Hill, a proposed development of approximately 5,881 acres (2,380 hectares), including up to 32 turbines with a maximum tip height of 220 metres and generating capacity of up to 303MW
6. Taken together, the two proposed wind farms cover site areas of approximately 8,352 acres (3,380 hectares), much of which comprises highly productive agricultural land, including Grade 1 agricultural land - the highest classification of agricultural land and a finite national resource.
7. The proposed turbines, at up to 220 metres high, would be more than three times the height of Ely Cathedral and would represent a substantial and permanent change to the landscape of the Fens.
8. Both developments include proposals for Battery Energy Storage Systems and are proposed to connect to the National Grid at Burwell, with associated grid infrastructure and underground cabling.
9. The proposed Chatteris development is located at Mepal close to the internationally important Ouse Washes, which is designated as a Site of Special Scientific Interest, Ramsar site, Special Protection Area and Special Area of Conservation. The Ouse Washes is one of the largest remaining areas of lowland wet grassland and

- frequently flooded grazing marsh in Britain and supports internationally important populations of wintering waterfowl and rare breeding waders.
10. The Redmere proposal is located to the north-east of Littleport at Shippea Hill and Redmere, in close proximity to RAF Lakenheath and RAF Mildenhall, raising the need for full assessment of potential impacts on aviation, radar and defence interests.
  11. Vattenfall proposes community benefits including construction employment, local contracts and annual community benefit payments, but such benefits do not in themselves address the fundamental question of whether these are appropriate locations for developments of this scale.
  12. The National Planning Policy Framework (NPPF) gives substantial weight to renewable and low-carbon energy development, while the national consenting process means that small rural communities facing large-scale infrastructure projects do not have the final decision-making role over whether such developments proceed.
  13. As Nationally Significant Infrastructure Projects, the applications will ultimately be determined by the Secretary of State for Energy Security and Net Zero through the Development Consent Order process, rather than by East Cambridgeshire District Council as the Local Planning Authority.

**This Council believes that:**

14. East Cambridgeshire is already contributing significantly to the UK's renewable energy provision and should not be regarded as an unlimited location for further large-scale energy infrastructure.
15. Tackling climate change and protecting food security are not mutually exclusive objectives. The growth of renewable energy must take account of the importance of protecting the country's most productive agricultural land.
16. The concentration of further major energy infrastructure on Grade 1 agricultural land in East Cambridgeshire raises serious concerns about food security, landscape character, biodiversity, cumulative environmental impacts and the long-term sustainability of land use.
17. The scale of the two proposed wind farms, their proximity to internationally and nationally protected sites and habitats, their cumulative impact with existing and consented energy developments, and the proposed 220-metre turbine heights require particularly rigorous scrutiny.
18. Community benefits and financial payments should not be allowed to determine the acceptability of developments which may have significant and long-lasting impacts on agriculture, landscape, biodiversity and local communities.

**This Council resolves to:**

19. Oppose the proposals for Chatteris and Redmere Wind Farms, on the information available, on the grounds that the scale and concentration of development would place an unacceptable additional burden on Grade 1 agricultural land and the communities and environment of East Cambridgeshire.
20. Instruct the Leader to write to Vattenfall to ask them to reconsider their proposals and to investigate alternative locations and configurations which would eliminate the impact on Grade 1 agricultural land.
21. Ensure that East Cambridgeshire District Council makes robust and evidence-based representations throughout the Development Consent Order process, including on:
  - the loss and impact on Grade 1 agricultural land and food production
  - the cumulative impact of renewable energy developments already operating, consented or proposed in East Cambridgeshire

- landscape and visual impact, including the scale of 220-metre turbines
  - impacts on the Ouse Washes and other protected habitats and species
  - flood risk, drainage and water management
  - biodiversity and the effectiveness of proposed mitigation
  - construction traffic and impacts on local roads
  - the proposed grid connection and associated infrastructure
  - Battery Energy Storage System technology and safety
  - aviation, radar and defence considerations, particularly in relation to RAF Lakenheath and RAF Mildenhall, and
  - impacts on local communities and the cumulative effects of the developments taken together with other major infrastructure proposals
22. Work with affected Parish and Town Councils and relevant neighbouring authorities to ensure that local concerns and cumulative impacts are fully represented during the DCO process.
  23. Instruct the Leader to write to the Secretary of State for Energy Security and Net Zero setting out this Council's opposition to the proposals on the information available and requesting that the concerns of East Cambridgeshire regarding Grade 1 agricultural land, food security, cumulative development and environmental impact are fully considered when the applications are determined.
  24. Instruct the Leader to write to the Shadow Secretary of State for Energy Security and Net Zero setting out the Council's position and requesting support for the protection of Grade 1 agricultural land when determining the appropriate locations for major renewable energy infrastructure.
  25. Instruct the Leader to write to Charlotte Cane MP, Member of Parliament for Ely and East Cambridgeshire, asking her to raise these concerns directly with Ministers, to raise questions on the floor of the House of Commons concerning the proposed developments and their impact on Grade 1 agricultural land and food security, and to oppose the Chatteris (Mepal) and Redmere (Shippea Hill) proposals.
  26. Request that officers prepare an East Cambridgeshire position statement on each proposed development, informed by the evidence submitted through the DCO process, and bring this to Members as appropriate so that the Council's position can be maintained and strengthened as the proposals develop.
  27. Make clear that East Cambridgeshire has already done its part, and continues to do so, in supporting the generation of renewable energy, and that the Council's objection is based on the principle that renewable energy schemes must only be delivered in a way which also protects food security, the environment and the communities which host that infrastructure.

PROPOSER: Cllr Anna Bailey

SECONDER: Cllr Julia Huffer

### C. Discontinue Use of Pesticides on ECDC playgrounds

**Proposer:** Kathrin Holtzmann

**Secunder:** Lorna Dupre

#### **Council Notes:**

1. That ECDC, through its trading company ECTC, uses herbicide and germination retarding chemicals on its own playgrounds for chemical weed control. In comparison to sidewalks and marketplaces, playgrounds are areas where children will be in close contact to the ground and touch the floor. Especially smaller children will touch faces and put hands in the mouth.

2. That children are particularly vulnerable to chemical exposure due to their developing physiology and lower body weight, and herbicide and pesticide exposure can cause serious health issues.
3. That many playground surfaces are hardstanding — tarmac, concrete, or rubber — on which herbicides such as glyphosates cannot break down biologically through soil microorganisms, causing them to persist or wash directly into surface drains untreated.
4. That several UK local authorities, such as Hackney, Lambeth, Southward and Guildford have already adopted pesticide-free policies for public spaces frequented by children, using integrated pest management and non-chemical alternatives.

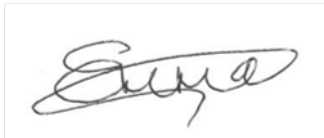
#### **Council Believes:**

1. That the Council has a duty of care to protect the health and safety of children using its own managed playgrounds.
2. That the precautionary principle should apply where credible evidence links a practice to potential harm to children.
3. That effective and affordable non-chemical alternatives to pest and weed control exist and are in use by other local authorities.
4. That the use of herbicides on hardstanding playground surfaces presents an unnecessary and avoidable risk.

#### **Council Resolves:**

1. To request ECTC to discontinue the use of synthetic chemical pesticides, herbicides, and insecticides on or within 10 metres of all playground facilities that it maintains on behalf of the Council within the district and consider adoption of integrated pest management or non-chemical alternatives in playground areas.
2. To commission a review of the current grounds maintenance contract to ensure compliance with this policy by the next contract renewal date.
3. To report annually to the relevant committee on compliance and the alternatives in use.

- 8. To answer questions from Members** **[oral]**
- 9. Schedule of items recommended from Committees and other Member bodies:**
  - Finance & Assets Committee – 24 September 2026
    - Local Tax Reduction Scheme Proposal 2027-28
  - Audit Committee – 14 July 2026 **Page 15**
    - Audit Committee Annual Report 2025/26
- 10. Appointment of Lay Member to Audit Committee** **Page 37**
- 11. Planning – Implementing the National Scheme of Delegation** **Page 39**
- 12. Constitutional Update – Amendment** **Page 93**
- 13. Parks & Open Spaces and Ely Markets Service Delivery Model** **Page 95**
- 14. Cambridgeshire and Peterborough Combined Authority:** **Page 139**
  - (a) Update report – July 2026
  - (b) Update report – August 2026



**E Grima**  
**Chief Executive**

To: All Members of the Council

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**NOTES:**

Members of the public are welcome to attend this meeting. Admittance is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting. Due to room capacity restrictions, members of the public are asked, where possible, to notify Democratic Services ([democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk) or 01353 665555) of their intention to attend.

The meeting will be webcast, and a live stream will be available. Further details are available at <https://eastcambs.gov.uk/node/3471>. Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

Public Questions/Statements are welcomed on any topic related to the Council's functions as long as there is no suspicion that it is improper (e.g. offensive, slanderous or might lead to disclosures of Exempt or Confidential information). Up to 15 minutes is allocated for this at the start of the meeting. Further details about the Public Question Time scheme are available at: <https://www.eastcambs.gov.uk/committees/public-question-time-scheme>

The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups at our meetings and would ask members of the public to bring their own drink to the meeting, if required.

Fire instructions for meeting: The instructions in the event of a fire at the venue will be announced at the commencement of the meeting.

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](mailto: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

Minutes of a Meeting of East Cambridgeshire District Council  
held at The Grange, Nutholt Lane, Ely, CB7 4EE  
on Thursday 16 July 2026 at 6.00 pm

## Present

|                                      |                                  |
|--------------------------------------|----------------------------------|
| Councillor Christine Ambrose Smith   | Councillor Julia Huffer          |
| Councillor Anna Bailey               | Councillor Bill Hunt             |
| Councillor Ian Bovingdon             | Councillor James Lay             |
| Councillor David Brown               | Councillor David Miller          |
| Councillor Charlotte Cane            | Councillor Kelli Pettitt (Chair) |
| Councillor Christine Colbert         | Councillor Alan Sharp            |
| Councillor Lee Denney                | Councillor Ross Trent            |
| Councillor Lorna Dupré               | Councillor Lucius Vellacott      |
| Councillor Lavinia Edwards           | Councillor Alison Whelan         |
| Councillor Mark Goldsack             | Councillor Christine Whelan      |
| Councillor Martin Goodearl           | Councillor Gareth Wilson         |
| Councillor Keith Horgan (Vice Chair) |                                  |

## 1. Public Question Time

### **Question received from Fiona Wynn, Biodiversity Lead, Sustainable East Cambs and Surrounding Areas**

The Democratic Services and Elections Manager read out the following statement on behalf of Fiona Wynn:

“SSECAM (Sustainable South-East Cambridgeshire and surrounding areas) is aware of public concern around chemical spraying by the Council’s trading company ECTC, including apparently unnecessary spraying around litter bins, walls, signs and benches in public open spaces which could easily be controlled by means of strimming or hand tools rather than the use of chemicals. A herbicide-free approach can have significant benefits, including biodiversity protection, supporting pollinators such as bees and butterflies; improved soil and water quality, preventing chemical runoff into local waterways; health and safety improvements, reducing public exposure to chemical herbicides.

“Could the Council please confirm:

“What policy it has in respect of plant spraying, and where such a policy can be found by the public?

1. If there is no such formal policy, do you commit to preparing and publishing one no later than the end of 2026?

Agenda Item 4

2. What precise chemical spray do you use, and on what criteria has it been chosen (for example, cost, safety, environmental harm)?
3. Whether it commits to reviewing the spraying around bins, signs and benches to determine whether it is strictly necessary to do so or whether alternative chemical-free methods would be more appropriate in such locations; and
4. Whether it commits to consider discontinuing the use of herbicides across all council-owned sites, including parks, pathways, car parks and housing areas, in the same way that Cambridge City Council and many cities and countries have already done.

“Many thanks for your time and consideration towards becoming a chemical free Council.”

**Response from the Leader, Cllr Anna Bailey**

“I want to provide some reassurance around the approach on the use of chemicals. In general, we do aim to keep areas safe, tidy and accessible, whilst balancing environmental considerations and the needs of the community. Herbicide weed control, where used, is applied in a targeted way, rather than blanket treatment and it is typically focused on areas where weeds could create maintenance or access issues, for example around street furniture or hard surfaces and fence lines. We are mindful of concerns regarding the use of herbicides, and we always look to minimise their use wherever practicable. Where treatments are necessary, approved products are used in accordance with guidance and application is carried out by trained staff. At present, glyphosate is the chemical that is used and the UK regulatory body known as CRD (Chemicals Regulation Directorate), which is a division of the HSE (Health and Safety Executive), has always been pro-glyphosate. Our pesticide policy reflects our current practice, and we continue to keep this under review to ensure that we strike a balance that we strive to achieve and the Council is of course committed to improving biodiversity within our parks and open spaces, for example planting trees, improving hedgerows and sowing wildflowers.”

**Question received from Mark Grooms, Chair of Ely Wildspace**

The Democratic Services and Elections Manager read out the following statement on behalf of Mark Grooms:

“Ely Wildspace (EWS) is increasingly concerned about the lack of clear direction from East Cambridgeshire District Council (ECDC) regarding the current management and future development of Ely Country Park, including its proposed extension. EWS has played a leading role in shaping the Country Park since its inception and our concerns relate specifically to the “country” and biodiversity aspects of the site, rather than the urban-park elements such as the play area and the developing maze.

“We are particularly worried that some areas designated as Country Park may be considered for private development. In addition, land purchased by ECDC from the Environment Agency approximately three years ago does not appear to have been registered with the Land Registry. There also seems to be uncertainty regarding the precise boundary of the Country Park.

As part of the accreditation process with Natural England, two essential criteria for Country Park status are clearly stated:

- **Defined boundary** – the site must have a clear, mapped boundary, whether open or fenced.
- **Public influence** – local people must have meaningful input into the management and development of the site.

“In light of these requirements, we ask the Council to establish a **joint Ely Country Park Management Group**, including representatives from the public, Ely Wildspace, landowners, and other interested parties. This group would help ensure that the Country Park - and any future extensions - continues to be developed for the benefit of wildlife, the people of Ely, and the wider area. Does the council support a joint Management Group of this type being formed, and if so, can you please outline how the council will take this forward?

“Given the forthcoming changes associated with local government reorganisation (LGR), we request that this group be formed within the next six weeks so that it can contribute to the LGR process in a timely and constructive manner.”

### **Response from the Leader, Cllr Anna Bailey**

“I will not go into LGR as we will be talking about this later. I am proud about what we have achieved at the Country Park in Ely, obviously this endeavour did not happen alone, and I want to thank all those involved. It has been a long-term project and continues to be so. I am sure that they will continue to be involved in maintaining open spaces, which will be available to residents and visitors to Ely. The Country Park has once again been awarded green flag status; that is the eleventh time this has been achieved. It is a coveted status, and it is awarded to parks and open spaces that are free and open to everyone to enjoy, whilst meeting strict standards and offering excellent visitor facilities. The Country Park does in fact have a defined boundary and there are five entranceway notice boards, which provide a clear map of the Country Park area. The boards are located at the five key entranceways into the park. This gives the area a clearly defined identity and lets landowners, residents and visitors know when they are within the Country Park boundary. QR codes have recently been added to the Country Park signs which do direct visitors to safety information and a map on the Council's website. The timing of receiving the land for the Country Park extension is currently unknown, however we are very much committed to working with a range of stakeholders to make sure that this land is used to benefit residents and visitors in Ely and no doubt there will be a range of offers from the landowners and the people working on it. Development in the Country Park has been carried out in a phased approach so that proposals can be influenced through consultation with users and local interest groups. The Council carries out consultation throughout the year, seeking the views of the site users to ensure that the development is shaped by the community. The Council has consulted with the community, including the local schools, groups, local access groups and site users to ensure that all needs are taken into consideration so that Ely Country Park continues to provide a high-quality visitor experience. We have delivered a number of phased improvements, which have been informed by community feedback, and we are

now installing a butterfly mound, which will enrich the biodiversity at the Country Park. The Council does have a management plan for the Country Park, and this was developed in partnership with the Wildlife Trust. So, I don't believe that it is necessary to create a formal management group. We maintain our commitment to have continuous engagement with all interested parties, as I have outlined and the Council of course welcomes views from all organisations and individuals who wish to improve the experience of residents and visitors to the Country Park and we have demonstrated that working together with a wider range of stakeholders has enabled us to keep delivering improvements."

**2. Apologies for Absence**

Apologies were received from Cllr Chika Akinwale, Cllr Kathrin Holtzmann, Cllr Mark Inskip, Cllr John Trapp and Cllr Mary Wade.

**3. Declarations of Interest**

The Director Legal and Monitoring Officer advised that any Member who was a tenant in social housing provided by the Council should declare an interest in agenda item 7. No Declarations of Interest were made.

**4. Minutes – 21 May 2026**

It was resolved unanimously:

That the Minutes of the Council meeting held on 21 May 2026 and the Exempt Minutes of the Council meeting held on 21 May 2026 be agreed as a correct record.

**5. Chair's Announcements**

The Chair expressed her disappointment with the Government's announcement to delay making a decision on Local Government Reorganisation in Cambridgeshire and Peterborough, as so much time and effort had been spent compiling the different options. The Council would continue to work with the other local authorities in the county, whilst further information was awaited from the Government.

**6. Petitions**

No petitions had been received.

**7. Notice of Motions Under Procedure Rule 10****(i) Social and Affordable Housing**

Agenda Item 4

Cllr Lee Denney proposed, and Cllr Anna Bailey seconded the following Motion.

**This Council believes that** all residents living in social and affordable housing deserve safe, responsive and high-quality housing services, regardless of their landlord.

**Council recognises** the important role played by housing associations and community land trusts in meeting local housing need across East Cambridgeshire, values strong partnership working with these organisations, and acknowledges the positive contribution made by community led housing groups across the district.

32 registered providers own housing in East Cambridgeshire representing 6,524 homes, both general needs and supported living. Sanctuary Housing is by far the biggest provider, owning 4,260 (65%) of these homes, representing around 10% of the entire housing stock in the district. The next largest provider is CHS (Cambridge Housing Society) Group with 554 homes. Flagship Housing owns 231 homes, Clarion 208, Accent Group 137 with remaining other smaller providers owning around 100 homes or less.

**Council is concerned that** inconsistent service levels experienced by some housing association tenants may disproportionately affect older and vulnerable residents and recognises the importance of ensuring that all tenants are able to access responsive services and have their voices heard. Whilst the larger providers are subject to regulatory judgement this does not provide sufficient transparency or granularity about performance at a local level.

**Council resolves**, with the aim of improving transparency, accountability and outcomes for tenants across the district, to:

1. Request Officers to work with housing associations above an agreed stock threshold within the district to establish a simple six-monthly performance reporting framework covering key housing management and maintenance measures.
2. Refer this reporting to the Operational Services Committee for regular review, enabling Councillors to monitor trends, identify good practice and understand where improvement may be required.
3. Invite representatives of housing associations to attend meetings with the Council to discuss performance, challenges and improvement activity where appropriate.
4. Request Officers to explore options to strengthen tenant engagement and improve understanding of tenant experience, particularly amongst vulnerable residents and those less likely to raise concerns directly.
5. Commit to continued collaboration with housing providers, with the aim to increase East Cambridgeshire's social housing capacity.

Cllr Lee Denney asserted that all residents should have a high quality, secure place to live, as poor quality homes could have a detrimental impact on their health and life expectancy. He explained that the Council sought to achieve this for residents in social and affordable housing by ensuring that they received

responsive, high-quality housing services. There was an inconsistency in the service provided by landlords and the aim of the Motion was to improve transparency, accountability and outcomes for tenants by working collaboratively with housing associations to achieve this.

Cllr Lorna Dupré proposed and Cllr Christine Whelan seconded the following amendments to the Motion:

**This Council believes that** all residents living in social and affordable housing deserve safe, responsive and high-quality housing services, regardless of their landlord.

**Council recognises** the important role played by housing associations and community land trusts in meeting local housing need across East Cambridgeshire, values strong partnership working with these organisations, and acknowledges the positive contribution made by community led housing groups across the district.

32 registered providers own housing in East Cambridgeshire representing 6,524 homes, both general needs and supported living. Sanctuary Housing is by far the biggest provider, owning 4,260 (65%) of these homes, representing around 10% of the entire housing stock in the district. The next largest provider is CHS (Cambridge Housing Society) Group with 554 homes. Flagship Housing owns 231 homes, Clarion 208, Accent Group 137 with remaining other smaller providers owning around 100 homes or less.

**Council is concerned that** inconsistent service levels experienced by some housing association tenants may disproportionately affect older and vulnerable residents and recognises the importance of ensuring that all tenants are able to access responsive services and have their voices heard. Whilst the larger providers are subject to regulatory judgement this does not provide sufficient transparency or granularity about performance at a local level.

**Council resolves**, with the aim of improving transparency, accountability and outcomes for tenants across the district, to:

1. ~~Request Officers to work with housing associations above an agreed stock threshold within the district~~ **social and affordable housing providers owning significant housing stock within East Cambridgeshire** to establish a ~~simple proportionate~~ six-monthly performance reporting framework ~~covering key housing management and maintenance measures~~ **drawing wherever possible on existing regulatory and management information** so as to minimise additional reporting burdens.
2. **Request that the framework should, where reasonably available, provide information disaggregated to East Cambridgeshire level and include a consistent core set of measures covering matters such as repairs performance, outstanding repairs, damp and mould, complaints and complaint response times, anti-social behaviour, relevant property safety measures and tenant satisfaction.**

3. Request that structured six-monthly reporting should normally apply to social and affordable housing providers owning 100 or more homes within the district, with proportionate annual or exception-based engagement with smaller providers, particularly where concerns arise in relation to vulnerable tenants, supported housing, service quality or safeguarding.
4. Refer ~~this reporting~~ **the resulting performance information** to the Operational Services Committee for regular review, enabling Councillors to monitor trends, identify good practice and understand where improvement may be required.
5. Invite **senior** representatives of **social and affordable** housing associations **providers** to attend meetings ~~with~~ **of** the Council's **Operational Services Committee where appropriate** to discuss performance, **tenant experience**, challenges and improvement activity ~~where appropriate~~.
6. Request Officers to **work with social and affordable housing providers** to explore ~~options to strengthen tenant engagement and improve understanding of tenant experience, particularly amongst vulnerable residents and those less likely to raise concerns directly~~ **the establishment of an East Cambridgeshire Social and Affordable Housing Provider Partnership Framework or Charter, setting out shared expectations to partnership working, local accountability, information sharing, tenant communication, support for vulnerable residents and the escalation of significant service concerns.**
7. Request Officers to establish practical arrangements to strengthen the voice of social housing tenants across the district, including consideration of periodic tenant surveys, tenant forums or reference panels and targeted engagement with older and vulnerable residents, disabled residents, rural communities and those less likely to use digital channels or formal complaints processes.
8. Request Officers to develop a proportionate escalation process for significant or persistent concerns about tenant outcomes, including senior engagement with the relevant provider, monitoring of agreed improvement actions and, where appropriate, referral or signposting in accordance with the respective roles of the Regulator of Social Housing and the Housing Ombudsman.
9. Request that an initial report on the proposed performance framework, provider engagement arrangements and tenant voice mechanisms be brought to the Operational Services Committee **within six months.**
10. Commit to continued collaboration with housing providers, with the aim to increase East Cambridgeshire's social housing capacity.

Cllr Lorna Dupré agreed that the original Motion identified a gap in accountability but was disappointed that the administration had not been prepared to work with the opposition group in the wording of the Motion. She explained that the amendments would ensure that social housing providers were held to account for the services they provided. She stated that contrary to the wording of the original Motion, all providers were regulated. She suggested

that a six-month timescale for the reporting back on this matter was reasonable for the providers. Complaints should be monitored, with an escalation procedure if necessary. This would make the providers more accountable.

Cllr Lucius Vellacott stated that he favoured a collaborative approach with the service providers, as framed in the original Motion, because the Council was not the regulating body. He feared that this amendment would risk alienating the service providers. The Council did not have the power to summon them to a meeting of the Operational Services Committee. He concluded that the authority needed to work in partnership with social housing providers, so he opposed the amendment.

Cllr Anna Bailey stated that the Council did not have any statutory powers over the providers and instead the authority would have to co-operate with them to improve the service. The aim of the original Motion was to build a framework that, over time, would allow collaboration between Members, the wider community and service providers. It would not be appropriate to summon the provider to a public meeting, where sensitive information would be discussed. The original Motion gave officers the flexibility to develop a co-operative framework with the providers, whilst the amended Motion would create duplication of work on escalation routes. For these reasons she opposed the amendment.

Cllr Christine Whelan stated that the amendment strengthened the original Motion by identifying the issues that mattered most to residents such as repairs, response times and tackling anti-social behaviour. Six-monthly reports from providers who had over 100 homes and annual reports from the others would ensure accurate, proportionate monitoring of performance. Tenant satisfaction surveys would amplify residents' voices and highlight good practice. It would also ensure that the views of elderly residents, who lacked internet access, were heard. The amendment would provide an escalation process when problems persisted and monitor improvements. The regulator and ombudsman would monitor every six months. The amendment was balanced and deliverable, and she regretted that personal and political disagreements were a barrier to what was good for tenants.

Cllr Lee Denney welcomed the input from the opposition group but disagreed with the assertion that there was an accountability gap. The Motion would allow officers to work with providers to the benefit of tenants, whilst the amendment could be antagonistic. Tenant surveys were carried out every year and so this clause in the amendment was unnecessary. He concluded that the amendment was bureaucratic and counter-productive and so he could not support it.

A vote was taken and with 8 votes in favour, 15 votes against and no abstentions, the amendment was lost.

Cllr Lorna Dupré suggested that those who proposed the Motion should have discussed its wording with opposition members prior to the meeting, to resolve any misunderstandings and propose amendments that were acceptable to

everyone. She supported the Council working as a facilitator to deliver the best possible service to social and affordable housing tenants.

Cllr Lucius Vellacott stated that he trusted the Council's officers to work with providers on behalf of tenants and therefore supported this Motion.

Cllr Anna Bailey assured Council that, if agreed, the Motion would start the process, and officers would be expected to report back on progress. The Operational Services Committee would be given an opportunity to discuss this. She was pleased that there was cross-party support regarding the outcomes of this issue.

Cllr Lee Denney explained that structural changes were needed to improve the social housing service provided to residents. He had every confidence in officers to work effectively with service providers. He hoped that Council would support this pragmatic Motion.

A vote was taken and Council unanimously.

Resolved

To approve the above Motion.

**8. To Answer Questions from Members**

There were no questions from Members.

**9. Schedule of Items Recommended from Committees and Other Member Bodies**

Council considered a report (AB48, previously circulated) which sought approval of a recommendation from the Finance and Assets Committee to agree the Annual Review of the Council's Treasury operations during 2025/26.

Cllr Alan Sharp stated that the proposal had been unanimously recommended by the Finance and Assets Committee and he thanked the Director Finance and his team for their work on this.

Cllr Mark Goldsack stated that the report showed that the Council's finances were well run and that the authority had no external debt. He also thanked the finance officers for their work in producing this report.

Cllr Sharp proposed and Cllr Goldsack seconded the recommendation in the report. A vote was taken and

Council unanimously

Resolved:

That the contents of the Annual Review of the Council's Treasury operations during 2025/26, including the prudential and treasury indicators, as set out in the Annual Treasury Management Review (Appendix 1), be approved.

## **10. Corporate Plan**

Council considered a report (AB47, previously circulated) that invited Council to consider the updated Action Plan 2026/27 to support the implementation of the 2023-27 Corporate Plan. The Chief Executive explained that the report detailed both the progress made on the previous year's actions and the actions for the forthcoming year.

Cllr Anna Bailey noted that the Council was the only principal authority to freeze Council Tax for 13 years. This had been achieved, not by cutting services, but through careful financial management and generating income through the trading company. She thanked officers for their hard work in introducing a new waste collection service, which was generating an exceptionally high level of food waste collection, boosting recycling rates. The Bereavement Centre was expected to open in late summer and would not only offer a service for residents but would also generate income for the Council. Good progress had been made in the provision of affordable housing, with more units expected in 2026/27, delivered by the Council and by Land Trusts. A new open-air theatre would be provided in Ely. These things helped to make East Cambridgeshire unique, and she hoped that all Members would celebrate these achievements and ambitions and agree the Corporate Plan.

Cllr Lorna Dupré agreed that it was important for the Council to be financially sustainable and to promote recycling. She suggested that the Council could be more ambitious in its efforts to lower carbon emissions and promote the construction of reservoirs. She suggested that local businesses should be supported and the effectiveness of grants awarded to them should be assessed. She supported the inclusive play strategy in the Corporate Plan, which resulted from an opposition group motion. The implementation of Public Space Protection Orders to combat anti-social driving was very welcome, as was participation in the Low-Income Families Tracker initiative, which had been particularly successful in South Cambridgeshire. She remained opposed to the Bereavement Centre and expressed concern about the aim to improve town and city centres, as it was unclear how this would work. Complaints had been received regarding the reliability of the interactive digital screens in Ely. She stated that the achievements of Community Land Trusts had been variable. She asked why actions on crime enforcement were not in the work programme and why the motions agreed on tackling empty homes and banks in the district had not been included in the Plan. She expressed concern that the announcement of an open-air theatre in Ely pre-empted the decision of the Planning Committee and suggested that it was unclear how such an initiative would be run.

Cllr Bill Hunt stated that the Wilburton and Stretham Community Land Trust had been successful, and he expected the initiative at Haddenham to also deliver its aims. The implementation of the new waste collection service had been a resounding success, and he asked if there were any figures on recycling rates under the new regime.

Cllr Mark Goldsack stated that he was proud of both the Council's achievements and the aims for the coming year, which were listed in the report for residents to see.

Cllr Lucius Vellacott thanked officers for preparing the Corporate Plan, which provided details of both the Council's work and what it sought to achieve in the last normal year of its existence. It was clear that residents supported the new waste collection service, with 90% of them now recycling their food waste. He was proud of the work of the communities and partnerships team and its outreach service directed at young people. The Council had frozen its Council Tax for 13 years in a row, had not cut its services and was debt-free. He hoped that this level of financial management would continue under the new unitary authority that would replace the Council. He expressed concerns regarding the impact of the Government's Fair Funding Review and the new planning regulations. He was proud to support the Council's Corporate Plan.

Cllr Christine Ambrose Smith stated that from her experience, the Council had an effective Empty Homes Strategy.

Cllr Julia Huffer thanked officers for the successful implementation of the new waste collection services during a heatwave. She also thanked officers for delivering high-quality services on budget. When parish councils had asked her how the authority was able to achieve this, she had stated that the Council was able to think outside the box to deliver services on time and on budget.

Cllr Anna Bailey explained that the Community Land Trusts in the district were made up of volunteers who gave up hours of their time to deliver a successful service for local residents.

Cllr Anna Bailey proposed and Cllr Julia Huffer seconded the recommendations in the report. A vote was taken and with 15 votes in favour, no votes against and 8 abstentions, it was agreed

To resolve:

That Council

- (a) Approved the updated Action Plan for 2026/27 at Appendix 1; and
- (b) Noted the completed actions and progress made during 2025/26.

# **11. Local Government Reorganisation – Establishment of Voluntary Joint Committee**

The Council received a report (AB49, previously circulated) that proposed the establishment of voluntary Joint Committees with the Councils in Cambridgeshire and Peterborough. These committees would oversee transitional and implementation activities leading up to the vesting day for the new Shadow Authorities. The Chair proposed that, in light of the Government's announcement that no decisions regarding the structure of Local Government Reorganisation in Cambridgeshire would be made until October, this item should be deferred to a future Council meeting. Councillor Bailey seconded the recommendation.

Cllr Lorna Dupré expressed that the Government's delay in making a decision was an insult to everyone who had worked diligently to provide evidence on the various options by the Government's deadline. She believed that the report's recommendation was premature and welcomed the proposal to defer the item, noting that all the authorities in Cambridgeshire needed to be in agreement, and the County Council would not meet until 13 October. Therefore, she supported the recommendation to postpone the item to a future Council meeting.

Cllr Charlotte Cane expressed her frustration regarding the Government's failure to make a decision on the options for Local Government Reorganisation. She was present in Parliament when the Minister made his announcement and asked him what plans were in place for consulting on the decision and the various options in the coming months, but he did not respond to her question. She emphasised that the Government could have sought more information if it had been needed to.

Cllr Cane was particularly concerned about the impact that this uncertainty could have on the staff of all affected councils. While she hoped the May elections would still proceed, she noted that it was impossible to finalise electoral wards or seek nominations while the number of councillors and wards remained uncertain. She urged the Minister to engage with the public to ensure that they have a say in the Government's decision-making process.

Cllr Anna Bailey expressed her gratitude to Cllr Cane and all the Cambridgeshire MPs who had posed questions to the minister. She noted that all councils had worked diligently to provide information to the Government, but they now faced uncertainty until the minister announced a decision, which was expected no earlier than October. While the Local Government Review was expected to proceed according to the agreed timetable, this situation reduces the available time and increases the project's risks. The Council will continue to keep its staff and residents informed of any developments.

It was unanimously agreed

To resolve:

To defer this item to a future meeting of Council.

**12. Cambridgeshire and Peterborough Combined Authority Update Report**

Council considered a report which provided details of the update reports for June 2026 from the Cambridgeshire and Peterborough Combined Authority Board and Committees.

The Chair proposed and the Vice Chair seconded the recommendations in the report. A vote was taken and it was unanimously agreed

To resolve:

To note the update report for June 2026.

The meeting concluded at 7.15 pm

Chair.....

Date.....



## **SCHEDULE OF ITEMS RECOMMENDED FROM COMMITTEES AND OTHER MEMBER BODIES**

Committee: Council

Date: 15 October 2026

Author: Democratic Services & Elections Manager & Deputy

Report No: Monitoring Officer AB84

Contact Officer:

Jane Webb, Democratic Services and Elections Manager & Deputy Monitoring Officer  
[jane.webb@eastcambs.gov.uk](mailto:jane.webb@eastcambs.gov.uk), 01353 616278, Room 214B, The Grange, Ely

### **FINANCE & ASSETS COMMITTEE – 24 SEPTEMBER 2026**

#### **East Cambridgeshire Local Council Tax Reduction Scheme 2027/28**

1. “The Committee received a report (AB78, attached at Appendix A) on the annual review of the Council’s Local Council Tax Reduction Scheme (LCTRS) for 2027/28. The Director, Finance presented the report.

The recommendations in the report were proposed by Cllr Sharp, and seconded by Cllr Bailey.

Members considered that the matter would be better debated at Full Council, when all Members would be present.

It was resolved to **RECOMMEND TO FULL COUNCIL:**

**That the annual review of the LCTRS be approved and that the Scheme for 2027/28 remain unchanged.”**

### **AUDIT COMMITTEE – 14 JULY 2026**

#### **Audit Committee Annual Report 2025/26**

2. “The Committee considered a report (AB44, attached at Appendix B) which invited the Committee to recommend the Audit Committee Annual Report to Council. The Director Finance explained that the report summarised the work of the Committee in 2025/26.

Stephen Joyce suggested that the paragraph summarising the work of the Council in supporting EY in their auditing of the accounts should be amended to transparently reflect the challenges experienced. The Director Finance replied that he would consider amending this but suggested that the recommendations in the report covered this point.

Stephen Joyce suggested that the bullet points listed under the heading “The Committee’s effectiveness” needed to be amended to reflect that

training for members of the Committee was required. The Committee agreed that an action on training should be added to the Annual Report.

Cllr Lucius Vellacott proposed, and Cllr Keith Horgan seconded the recommendation in the report. A vote was taken and the Committee unanimously

Resolved to

**Recommend to Full Council the approval of the Audit Committee Annual Report 2025/26 as set out in Appendix B1 and amended by the Committee.”**

**Title: East Cambridgeshire Local Council Tax Reduction Scheme (LCTRS) for 2026/27**

Committee: Finance and Assets

Date: 24 September 2026

Author: Theresa Mann, Head of Billing, Benefits and Business Rates

Report No: AB78

Contact officer: Jude Antony, Director, Finance

(01353) 616470 [jude.antony@eastcambs.gov.uk](mailto:jude.antony@eastcambs.gov.uk) Room 127. The Grange, Ely

## **Issue**

1. Each year the Council is required to review its Local Council Tax Reduction Scheme (LCTRS). This report details the annual review of the Scheme and considers whether any changes are needed for 2027/28.

## **Recommendations**

2. The Committee is asked to approve the annual review of the LCTRS and the recommendation that no changes are needed to the Scheme in 2027/28.

## **Background / Options**

3. We are now in the fourteenth year of LCTRS, a locally set scheme that replaced the previous nationally set Council Tax Benefit (CTB) scheme from April 2013.
4. In 2013/14 the Council took advantage of a one-off Government grant that compensated in part for the reduction in Government funding for the Working Age scheme. This meant that the maximum LCTRS awarded was 91.5%.
5. For 2014/15 to 2017/18, the Council retained the original scheme, except that those allowances and premiums (the amounts of income from state-administered benefits such as Jobseekers' Allowance) were increased in line with other benefits such as Housing Benefit.
6. For the 2018/19 scheme, the Council harmonised the scheme with DWP welfare reforms introduced for Housing Benefit and LCTRS for Pensioners and introduced closer links to Universal Credit data sharing for claims, thereby removing the requirement to make a separate claim.
7. For 2019/20 the Council made no changes to the scheme.
8. For 2020/21 the Council introduced a fluctuating earnings rule to the treatment of Universal Credit (UC). A weekly tolerance level of £15 (£65 monthly) was introduced

to reduce the number of monthly reassessments that impacted customers every time a revised Universal Credit notification was received.

9. For 2021/22 there were no changes implemented.
10. For 2022/23 there were four amendments made to the scheme. Reducing the capital threshold from £16,000 to £10,000 and abolishing tariff income for those with under £10,000. Applying a fixed-rate, non-dependent deduction of £7.40 per week. Streamlining the Council Tax Support application process by signposting customers to claim Universal Credit and Council Tax Support at the same time. Increasing the Universal Credit income variation rule from £65 to £100 each month.
11. For 2023/24 and 2024/25, the 8.5% minimum contribution scheme was retained for working-age residents with no changes.
12. For 2025/26, a change was made to the Scheme to enable cases to be re-assessed where evidence has been obtained by the Fraud Team relating to DWP passported benefit in payment. Previously, the Scheme prevented re-assessing LCTRS entitlement for passported cases where a Council Fraud investigation had been completed, unless the DWP confirmed the case was also under investigation with them. However, the DWP rarely confirmed an investigation was underway, which prevented the Council from re-assessing customers' LCTRS entitlement. The change continued the process of requesting the DWP to join the Council's investigations, but permitted the Council, based on the evidence gathered, to re-assess LCTRS for those customers in receipt of passported benefit without requiring DWP confirmation that an investigation is in progress. The 91.5% Scheme was continued.
13. For 2026/27, the 8.5% minimum contribution scheme was retained for working-age residents with no changes.

## **Arguments / Conclusions**

14. No process changes are proposed for 2027/28, and the recommendation is to retain the current scheme with the 8.5% minimum contribution level.
  - To ensure that the principle of everyone making at least a small contribution towards their Council Tax charge is maintained.
  - To maintain a level of Council Tax income to continue to provide funding for services at district and county level.
  - There is other support available for those on low incomes and impacted by the cost-of-living crisis within the Housing Team, and those affected should also be signposted to maximise benefit take-up, reviewing discounts and exemptions and providing Exceptional Hardship Payments where there is a need, utilising vulnerability information through applications such as the Low Income Family Tracker and providing bespoke support across all areas of Council Tax, Benefits and Recovery

## Additional Implications Assessment

|                                                      |                                                    |                                                              |
|------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------|
| <b>Financial Implications</b><br><b>Yes</b>          | <b>Legal Implications</b><br><b>No</b>             | <b>Human Resources (HR) Implications</b><br><b>No</b>        |
| <b>Equality Impact Assessment (EIA)</b><br><b>No</b> | <b>Carbon Impact Assessment (CIA)</b><br><b>No</b> | <b>Data Protection Impact Assessment (DPIA)</b><br><b>No</b> |

## Appendices

15. None

## Background Documents

16. None



**TITLE:        Audit Committee Annual Report 2025/26**

Committee:    Audit Committee

Date:         14 July 2026

Author:       Director Finance

Report number: AB44

Contact officer:

Jude Antony, Director Finance

[Jude.antony@eastcambs.gov.uk](mailto:Jude.antony@eastcambs.gov.uk) 01353 66555, The Grange, Ely**Issue**

1. To consider the Audit Committee Annual Report 2025/26.

**Recommendations**

2. Members are requested to recommend to Full Council the approval of the Audit Committee Annual Report 2025/26 as set out in Appendix 1.

**Background/Options**

3. It is considered best practice for the Audit Committee to report to Full Council on its activities.
4. The report includes (but is not limited to):
  - Chair's Statement
  - The role of the Audit Committee
  - Committee Membership
  - Training
  - Committee consideration of the following:
    - Annual Governance Statement
    - Internal Audit
    - Risk Management
    - Financial and External Audit
  - Audit Committee Self-Assessment and Action Plan

**Additional Implications Assessment**

5. In the table below, please put Yes or No in each box:

|                                                                                                                                        |                                                           |                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>Financial Implications</b><br><br>The cost of training which has not be quantified but will be met within existing budget framework | <b>Legal Implications</b><br><br>None                     | <b>Human Resources (HR) Implications</b><br><br>None                                                 |
| <b>Equality Impact Assessment (EIA)</b><br><br>Not required                                                                            | <b>Carbon Impact Assessment (CIA)</b><br><br>Not required | <b>Data Protection Impact Assessment (DPIA)</b><br><br>Not required- no personal data will be shared |

## Appendices

None.

## Background documents

None.



East Cambridgeshire  
District Council

# Audit Committee Annual Report 2025/26

Chair's Statement

### Outgoing Chair

I am pleased to co-present the 2025/26 Annual Report of the Audit Committee. The Committee is accountable to the Full Council and welcomes scrutiny of its effectiveness in fulfilling its terms of reference and the impact of its diligent work, to ensure the Council is properly fulfilling its obligations.

This report covers the work of the Audit Committee during the period May 2025 to May 2026. The Audit Committee plays a key role in providing the Council with assurance in respect of the adequacy and effectiveness of the Council's systems of risk management, financial management and internal controls. The Committee obtained assurances from multiple sources throughout the year, including both internal and external audit.

In addition to the summary of work undertaken, the report includes details of committee membership and officer support to the committee.

As the outgoing Chair, I would like to thank everyone who has participated in ensuring that the Council continues to thrive with proper controls in place. For 2026/27 I will continue to serve the Audit Committee as the Vice-Chair and support the new Chair and the Committee.

### **Councillor David Brown**

### Incoming Chair

Having served as Vice-Chair of the Audit Committee in 2025/26, and with the privilege of being elected Chair for 2026/27, I am pleased to co-present our 2025/26 Annual Report. The report has been expanded this year, compared to our first report to Full Council last year.

The Committee continuously reflects upon our effectiveness in the discharge of the Council's Audit function. During the 2026/27 municipal year, this ongoing work will encompass the reflections identified in our self-assessment, detailed in the report below.

These actions will result in an even more detailed understanding of, and assurance around, the governance arrangements of the Council, which underpins our ability to thrive as a local authority.

I look forward to the year ahead, and to ensuring that the Committee continues diligently and effectively to discharge the functions delegated to us by the Full Council. I would like to recognise and thank everyone who enables this to happen.

### **Councillor Lucius Vellacott**

## The Audit Committee

The Audit Committee operates in accordance with the CIPFA Position Statement 2022: Audit Committees in Local Government. This position statement sets out the role of an Audit Committee as follows:

*“Audit committees are a key component of an authority’s governance framework. Their purpose is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee’s role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.*

*“In a local authority the full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but will be accountable to full council.*

*“The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.”*

This is important to ensure that the Council understands where things may go wrong and has controls in place to make sure that it mitigates against them.

### Our role

The Audit Committee is a key component of the Council’s governance framework. The objectives and Terms of Reference of the Audit Committee are detailed in Part 3D of the Council’s Constitution.

### Objectives

Oversight and approval of Statement of Accounts, Internal and External Audit and Risk Management matters (not otherwise the responsibility of Council or any other committee).

### Terms of Reference

To act as the Council’s Audit Committee and the discharge of these duties and responsibilities including:

- Consideration of Annual Audit letter to Members, Annual Audit and Inspection Fee Letter and the External Audit, Annual Governance Report, Annual Audit Plan and Code of Audit Practice and Statement of Responsibilities
- Approve the Annual Governance Statement
- Approve the Statement of Accounts
- Approve the Code of Corporate Governance
- To agree the Internal Audit Terms of Reference and Internal Audit Plan, review and consider the Plan, and any Annual Report and/or Opinion

- To oversee and approve the Code of Corporate Governance. To oversee the Council's Corporate Governance arrangements including Anti-Fraud and Corruption Policy
- To oversee and monitor the Council's Corporate Risk Register and recommend revisions to the Council's Risk Management Strategy
- To appoint 'Member Champions' as required
- To make nominations to any relevant outside bodies for the Audit Committee from the wider membership of the Council for a period of up to 4 years

### Membership

In accordance with the constitution the committee comprised 6 Members of the Council and 1 Lay Member (without voting rights). The quorum was 3. Members of the Finance & Assets Committee and the Leader and Deputy Leader of the Council are excluded from membership of the Audit Committee.

| Full Member                              | Group                            |
|------------------------------------------|----------------------------------|
| Councillor David Brown (Chair)           | Conservative and Independent     |
| Councillor Lorna Dupre                   | Liberal Democrat and Independent |
| Councillor Keith Horgan                  | Conservative and Independent     |
| Councillor James Lay                     | Liberal Democrat and Independent |
| Councillor Ross Trent                    | Liberal Democrat and Independent |
| Councillor Lucius Vellacott (Vice-Chair) | Conservative and Independent     |

| Substitute Member                  | Group                            |
|------------------------------------|----------------------------------|
| Councillor Christine-Ambrose Smith | Conservative and Independent     |
| Councillor Mark Inskip             | Liberal Democrat and Independent |
| Councillor Gareth Wilson           | Liberal Democrat and Independent |

In support of constitutional requirements for the Audit Committee, one Lay Member is appointed to the Committee. The Lay Member, Stephen Joyce, attended all 4 of the meetings held in the period.

The Committee reflected the political balance of the Council during almost all of the municipal year, comprising 3 Conservative Group councillors and three Liberal Democrat and Independent Group councillors. Its membership was revised by Full Council in May 2026 to match the new proportionality of the Council beginning from April 2026, appointing three Conservative Group councillors and two Liberal Democrat and Independent Group councillors.

### Training

In the 2025/26 Audit Committee self-assessment it was recognised that formal training has not been undertaken recently. As a priority, the following two matters will be addressed:

1. A skills assessment will be undertaken to better understand where training should be focused, and following this assessment:
2. A training programme will be developed and programmed.

Any training will be provided either 'in house' or from a formal training provider, likely taking place as pre-meeting sessions on the same day as each Audit Committee meeting.

### Meetings and Support

The Audit Committee met on 4 occasions during the 2025/26 Municipal Year:

- 15 July 2025
- 21 October 2025
- 20 January 2026
- 31 March 2026

The Lead Officer for the Committee is the Director Finance (S151 Officer), supported by the Director Legal (Monitoring Officer).

The Audit Committee is regularly supported by the Democratic Services Officer, Chief Internal Auditor and external auditors. Additionally, the Chief Executive attended the committee to present the draft and final Annual Governance Statement.

The Committee received the following reports during the year:

#### 15 July 2025

- Internal Audit Annual Report and Opinion 2024/25
- Draft Annual Governance Statement
- External Audit Plan 2024/25
- Draft Statement of Accounts 2024/25
- Internal Audit Progress Report
- Internal Audit External Quality Assessment 2025
- Corporate Risk Management Update Report

#### 21 October 2025

- Final Annual Governance Statement 2024/25
- External Audit Plan for 2024/25
- Internal Audit Plan for 2026/27
- Internal Audit Progress Report
- Information Governance Annual Report
- Anti-Fraud and Corruption Strategy- Policy Update

20 January 2026

- Statement of Accounts 2024/25
- External Audit Update 2024/25
- Internal Audit Progress Report
- Corporate Risk Management Update

31 March 2026

- External Audit Plan for 2025/26
- Internal Audit Work Plan for 2026/27
- Internal Audit Progress Report
- Internal Audit Charter and Mandate
- External Audit Recommendations Update

### Annual Governance Statement

The Committee received the draft Annual Governance Statement at its meeting on 15 July 2025. The item was presented by the Chief Executive and invited comments from the Committee that would inform the final draft.

The Committee approved the Annual Governance Statement 2024/25 at its meeting on 21 October 2025. The Statement mostly incorporated the reflections of the Committee or gave an explanation as to why suggestions were not incorporated.

### Internal Audit

The committee reviewed and approved the Internal Audit Charter and Mandate at its meeting on 31 March 2026.

The Committee was actively involved and consulted as part of the development of the Internal Audit plan for 2025/26. The Committee approved the internal audit plan coverage for 2025/26 and 2026/27.

The Committee has given positive feedback on the quality of the internal audit work and the assurances that this provides for Members. Further, the Committee strongly encourages all actions agreed as part of the audit outcomes to be dealt with expediently by Officers.

The Chief Internal Auditor has attended all 4 meetings of the Audit Committee, with an update on audit plan delivery provided at every meeting.

Based upon the work undertaken by Internal Audit during the year, the Chief Internal Auditor's overall opinion of the Council's system of internal control for 2025/26 is set out below:

I am satisfied that sufficient internal audit work has been undertaken to inform an opinion on the adequacy and effectiveness of governance, risk management and

internal control for 2025/26. In giving this opinion, it should be noted that assurance can never be absolute. The most that the internal audit service can provide is reasonable assurance that there are no major weaknesses in the system of internal control.

It is my opinion that **Good Assurance** can be given over the adequacy and effectiveness of the Council's control environment for 2025/26. This control environment comprises of the system of internal control, governance arrangements and risk management. Any limitations over this opinion are detailed and explained further within the report.

#### **Financial control**

Controls relating to the Council's key financial systems which were reviewed during the year were all concluded to be operating at a level of Moderate Assurance or above, with 63% of opinions given being of Good or Substantial Assurance.

Assurance over the outsourced revenues and benefits service has been provided in the form of internal audit reports issued for the Anglia Revenues Partnership shared service. These have all resulted in assurance opinions of 'Adequate / Reasonable' or 'Good / Substantial'.

#### **Risk management**

The Council's structures and processes for identifying, assessing and managing risk have remained generally consistent during 2025/26. The Risk Register has been presented to the Audit Committee during the financial year.

#### **Internal control**

For the audits completed by the Internal Audit service in 2025/26, 100% of the opinions given in relation to the control environment and compliance have been of at least Moderate Assurance. There have been no reports issued with an opinion of 'high' organisational impact. Of the audits completed by the Internal Audit service, 67% of opinions were of 'Substantial' or 'Good'.

Of the agreed management actions due for implementation during 2025/26, 95% had been completed during the year.

#### **Key risks**

The audit plan coverage had targeted areas of known risk and was informed through consultation with senior management and the Audit Committee. Key areas of risk for the Council during 2025/26 have included the impact of Local Government Reorganisation, the bereavement centre project delivery and regulatory compliance. The audit plan coverage sought to provide assurances in these areas, with audits on staff engagement and support during a period of change, embedded assurance work

on the bereavement centre project and audits on key areas for compliance such as procurement and asset management.

The external audit report for 2024/25 noted issues with the effectiveness of internal quality review arrangements in ensuring timely, accurate and quality working papers to support the financial statements. Actions were agreed to strengthen controls and resilience within the finance team during 2025/26 and an update on progress was provided by management to the Audit Committee in March 2026.

Internal Audit has not been made aware of any further governance, risk or internal control issues which would reduce the above opinion. No systems of controls can provide absolute assurance against material misstatement or loss, nor can Internal Audit give that assurance.

### **Risk Management**

During the year, the Committee reviewed and discussed two reports on the Council's risk management arrangements and the Corporate Risk Register. The Committee maintained oversight of the Council's key strategic risks and considered how these evolved throughout the year in response to changes in the external environment and organisational priorities.

Particular attention was given to risks relating to financial sustainability, local government reorganisation and devolution, workforce capacity, information governance and cyber security. The Committee reviewed the adequacy of mitigating actions in place and sought assurance that risk owners were actively managing risks and implementing agreed controls.

The Committee continued to encourage the development of a strong risk management culture across the organisation, promoting the integration of risk management into service planning and decision-making processes. Members provided feedback and suggestions to the Council's Risk Management Officer Group to support the ongoing enhancement of risk reporting, risk ownership and the monitoring of mitigating actions.

### **Financial Reporting and External Audit**

During the period the Audit Committee signed off a disclaimed opinion for the 2024/25 accounts, and the conclusion of the Value for Money review was presented.

The Committee noted that Ernst and Young Ltd. (EY) issued a disclaimed opinion on the Council's 2024/25 Statement of Accounts. EY confirmed that the disclaimer was largely a consequence of the national local government audit recovery arrangements and the requirement to conclude audits by the statutory backstop date. EY reported

that, due to the disclaimer opinion issued for the 2023/24 accounts, they were unable to obtain assurance over a number of opening balances and comparative figures and, when combined with the requirement to conclude the audit by the 2024/25 backstop date, were "unable to conclude that the 2024/25 financial statements are free from material and pervasive misstatement". EY therefore issued a disclaimed audit opinion on 20 February 2026.

The Committee recognised that disclaimed opinions have become a common feature across local government as part of the national audit reset programme, and that the opinion did not arise from any concerns regarding the Council's financial sustainability or wider governance arrangements.

The Committee also considered EY's Value for Money assessment. EY concluded that, "Based on the work performed, the Council had proper arrangements in place in 2024/25 to plan and manage its resources to ensure it can continue to deliver its services" and identified "No significant weakness" in relation to Financial Sustainability. EY also concluded that there were "No significant weakness identified" in relation to Improving Economy, Efficiency and Effectiveness. Furthermore, EY stated that "Based on the work performed, we have not identified any significant weaknesses in the Council's 2024/25 arrangements to make informed decisions and properly manage its risks."

Whilst EY identified weaknesses in the Council's arrangements for supporting the external audit process and made a number of recommendations to strengthen financial reporting and audit working papers, no Statutory Recommendations were issued, and EY confirmed that they "had no reason to use our auditor powers". The Committee welcomed the positive conclusions regarding the Council's governance, financial sustainability and arrangements for securing value for money.

The Committee formally recorded its concerns about the delays in the external audit process and questioned the Director Finance (S151 Officer) on the work completed by the Council Officer and sought assurances to overcome this, both in year and the future.

It should be noted that, during the year, the Director Finance (S151 Officer) retired. The new Director Finance (S151 Officer) was appointed by Full Council in September 2025.

Following the completion of the external audit of the Council's 2024/25 Statement of Accounts, EY issued eight recommendations relating to improvements in financial reporting processes, working paper documentation, financial controls, and technical accounting processes.

No Statutory Recommendations were issued by EY.

At its meeting on 31 March 2026 the Director Finance (S151 Officer) provided a progress update on recommendations made.

### Recommendation 1 – Financial Statement Preparation and Audit Support

The Finance Director has taken steps to strengthen the preparation of financial statements and the support provided during the audit process.

- An interim Technical Accountant is already in post to support financial statement preparation and strengthen technical accounting expertise.
- A Principal Accountant with extensive local government experience will commence employment on 23 March 2026, further enhancing leadership and technical capability within the finance team.
- Sample working papers have been requested from EY and are considered acceptable to them. Once received, they will be updated to support the 2025/26 Statement of Accounts.

### Recommendation 2 – Fixed Asset Register Controls

- The Principal Accountant, who will commence employment on 23 March 2026, is familiar with the asset management system used by the Council to record fixed assets. As part of their responsibilities, the Principal Accountant will review the Fixed Asset Register to ensure that asset classifications, system settings and depreciation calculations are correctly configured.

Any issues identified within the system will be reviewed and rectified to ensure that the Fixed Asset Register operates in accordance with relevant accounting standards and supports the accurate preparation of the 2025/26 Statement of Accounts.

### Recommendation 3 – Group Accounts

- Additional review procedures have been introduced to ensure intercompany balances and transactions are eliminated correctly.
- Supporting working papers and calculations will be subject to enhanced internal review.

### Recommendation 4 – Capital Grants Register

- The Council currently uses established systems to maintain and monitor developer contributions, including Community Infrastructure Levy (CIL) and Section 106 (S106) funding. For the 2025/26 audit, the Finance Team will continue to work with the external auditors to ensure that all relevant information relating to capital grants, including balances brought forward, income received during the year, and utilisation of funds, is clearly documented and available to support the audit process.

### Recommendation 5 – Analytical Review of Financial Statements

- Analytical review procedures have been incorporated into the year-end closedown process.

- Finance officers will prepare explanations for material movements in the Comprehensive Income and Expenditure Statement and Balance Sheet.

#### Recommendation 6 – Cash Reconciliation Adjustments

- The year-end reconciliation process has been strengthened.
- The finance team have been briefed to ensure that all reconciliation differences identified during the closedown process are reviewed and corrected before the preparation of the Statement of Accounts.

#### Recommendation 7 – Classification of Cash Equivalents

- The classification of cash and investments has been reviewed to ensure compliance with accounting standards.
- Additional review procedures will be implemented during the closedown process.

#### Recommendation 8 – Control Account Mapping

- Control account mapping has been reviewed and corrected.
- Additional checks have been introduced to ensure accurate financial reporting.

### The Committee's effectiveness

In May 2026, all Committee Members were invited to a self-assessment meeting. Three Members of the Committee and the Lay Member attended the meeting, which considered the assessment against the 2022 CIPFA guidance on the role of the Audit Committee. The template self-assessment tool (provided as Appendix E to the CIPFA guidance) was utilised.

The outcomes of this assessment were shared with the wider Committee who were also invited to make representations.

The latest progress update on the resulting actions is provided below.

The Committee reflected on a number of areas where performance against the standards was particularly strong, including:

- ~~Good level of engagement by committee Members at all meetings;~~
- Chairing is very effective and ensures a clear focus on key issues;
- Apolitical nature of the meetings;
- Management appear to acknowledge and respect the committee's role and take on board the feedback from the committee.
- Relationships with Chief Finance Officer and Internal Audit are strong

It was highlighted that engagement by committee Members could be improved and a training programme could be a way of improving this engagement.

The assessment has also resulted in an action plan and will be subject to monitoring.

#### The Self-Assessment Action Plan

| Action ref | Description                                                                                                                                                                                            | Notes/Update                                                                                                                                                                                                                                                                     |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | <b>Timing of Annual Report</b><br>If possible, to arrange for the Annual Report to be circulated and agreed ahead of the July committee meeting and in readiness for the Council papers for July 2026. | The Annual Report will be considered by Council in October 2026. In future years this will be addressed to be available more quickly.<br><br>In July 2026, there was insufficient time between the Committee and Council for the report to be properly received by Full Council. |
| 2          | <b>Content of Annual Report</b><br>To expand the narrative in the report for 2026 to reflect the activity of the committee, against its core functions, and the value added.                           | Actioned                                                                                                                                                                                                                                                                         |
| 3          | <b>Private meeting</b><br>To schedule the 2026 private meeting with the Internal and External Auditors.                                                                                                | To be programmed. Discussions underway for a possible July 2026 pre-Committee meeting. The new Chair will also meet with EY                                                                                                                                                      |

| Action ref | Description                                                                                                                                                                                                                                                                                                                      | Notes/Update                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                                                                                                                                  | privately in June 2026.                                                                                                                                                                                   |
| 4          | <b>Committee training / skills assessment</b><br>To conduct a committee skills/training assessment, using a matrix based on the CIPFA guidance.                                                                                                                                                                                  | To be programmed. Discussions underway                                                                                                                                                                    |
| 5          | <b>Training plan</b><br>Based on the outcome of action 4, above, to develop a training plan which can be delivered as pre-meeting sessions and cover key areas, ideally relating to the topics on the agenda that day.                                                                                                           | To be programmed. Discussions underway for pre-meeting training sessions delivered by the Chief Internal Auditor.                                                                                         |
| 6          | <b>Annual report – wording of recommendation to Council</b><br>To ask Council to 'approve' the Committee's Annual Report, rather than 'note', to encourage feedback on the committee's performance.                                                                                                                              | This has been actioned.                                                                                                                                                                                   |
| 7          | <b>Wording of recommendations on reports</b><br>To consult officers on whether report authors could provide reports for the Audit Committee 'to approve' or 'to endorse' wherever possible, where 'to note' is not suitable and this is considered appropriate. This is intended to encourage full consideration and discussion. | It is considered that this is broadly already happening. Where appropriate, officers will consider this request. However, items for information will continue to be presented to committee for noting and |

| Action ref | Description                                                                                                                                | Notes/Update                                                                                                                                                                                                             |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                            | discussion as usual.                                                                                                                                                                                                     |
| 8          | <b>Committee attendance</b><br>Chair of Audit Committee to send open invitation to the Chief Executive to attend Audit Committee meetings. | The Chief Executive has been invited to meetings, and will attend where they feel it is necessary to do so. The Chief Executive currently attends to present the Annual Governance Statement and will continue to do so. |

**TITLE: Appointment of Lay Member to Audit Committee**

Committee: Council

Date: 15 October 2026

Author: Democratic Services & Elections Manager and Deputy Monitoring Officer

Report number: AB85

Contact officer:

Jane Webb, Democratic Services & Elections Manager and Deputy Monitoring Officer  
jane.webb@eastcambs.gov.uk, 01353 616278, Room 214B, The Grange, Ely

**Issue**

1. To consider the appointment of the Lay Member to the Audit Committee for 2026/27.

**Recommendations**

2. Council is requested to approve the appointment of Dr Stuart Green as the Lay Member to the Audit Committee for the 2026/27 Municipal Year.

**Background/Options**

3. On 21 May 2026, Council appointed Stephen Joyce as Lay Member to the Audit Committee for 2026/27. Stephen Joyce resigned on 28 August 2026.
4. Following this resignation, the position was advertised, and interviews were held on 30 September 2026. The interview panel comprised the Chief Executive, Monitoring Officer and Section 151 Officer.
5. In accordance with Part 3, Responsibility for Functions A: Council of the Council's Constitution, Council is responsible for the appointment of the Lay Member to the Audit Committee. The Lay Member is appointed annually by Council.

**Arguments/Conclusions**

6. The panel, chaired by the Chief Executive, recommends the appointment of Dr Stuart Green.

**Additional Implications Assessment**

|                                               |                                             |                                                       |
|-----------------------------------------------|---------------------------------------------|-------------------------------------------------------|
| <b>Financial Implications</b><br>No           | <b>Legal Implications</b><br>No             | <b>Human Resources (HR) Implications</b><br>No        |
| <b>Equality Impact Assessment (EIA)</b><br>No | <b>Carbon Impact Assessment (CIA)</b><br>No | <b>Data Protection Impact Assessment (DPIA)</b><br>No |

**Appendices**

None.

**Background documents**

Job Profile (September 2026)

## **Planning- Implementing the National Scheme of Delegation**

Committee: Council

Date: 15 October 2026

Author: Strategic Planning & Development Management Manager

Report number: AB86

Contact officer: David Morren

[David.morren@eastcambs.gov.uk](mailto:David.morren@eastcambs.gov.uk), Room 008The Grange, Ely

### **Issue**

1. To provide Council with an overview of Government reforms to the Planning Committee which introduce a new National Scheme of Delegation coming into force on 31 October 2026.

### **Recommendations**

2. Members are requested to:
  - a) Note the requirements arising from the National Scheme of Delegation,
  - b) Approve the Nominated Persons as set out in paragraph 18 of this report,
  - c) Authorise the Strategic Planning & Development Management Manager, in consultation with the Chair of Planning Committee, to create and implement a Gateway Test Protocol based on paragraphs 19-28 of this report,
  - d) Approve the Call-in Form provided in Appendix 1,
  - e) Approve the changes to the Constitution provided in Appendix 2,
  - f) Authorise the Strategic Planning & Development Management Manager and the Monitoring Officer to amend the Guidance for Members on Planning in Part 5 of the Constitution; and
  - g) Authorise the Monitoring Officer and/or Deputy Monitoring Officer to make changes to the Constitution to implement 2e above.

### **Background/Options**

3. As part of a wider programme of planning reform, Government is introducing a new National Scheme of Delegation for planning functions. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 ('the Regulations') come into effect on 31 October 2026.
4. The Government's aim in introducing the reforms is to provide greater clarity and consistency regarding the role of planning committees in decision-making.

### **The National Scheme of Delegation**

5. The National Scheme of Delegation will introduce a two-tier structure to decision-making, splitting applications into two groups: Schedule 1 and Schedule 2.
6. Those applications listed in Schedule 1 of the Regulations are automatically delegated and must be determined by officers. This includes householder, minor residential and minor commercial, discharge of conditions, reserved matters approvals for non-phased development, lawful development certificates and non-material amendments.
7. The definition of 'minor commercial' development is limited to development of an existing building already in a commercial use within Part A of the Use Classes Order and does not include Change of Use applications, applications which increase the number of units or applications that would increase the gross internal area of a building. The latter types of commercial development would therefore fall within Schedule 2.
8. Those applications listed in Schedule 2 include major applications, Section 73 (where the original planning permission would have been a Schedule 2 application), tree, listed building and advert consent applications. These are delegated and should be determined by officers but may be determined by the Planning Committee if the 'gateway test' is met.
9. Government guidance states "...where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committee make decisions on applications which must be delegated [to] officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision."
10. 'Own-interest' applications involving the Council (inclusive of the Trading Companies), Members, or Officers can be referred to Planning Committee regardless of the gateway test and details below will outline in what circumstances.
11. Applications not listed in Schedule 1 or Schedule 2 will continue to be determined in accordance with the Constitution, for example, enforcement.

### **The Gateway Test**

12. The Gateway Test is a test which will consider whether an application in Schedule 2 meets the minimum requirements of the Regulations, which are that either:
  - a) One or more issues of economic, social or environmental significance to the local area; or
  - b) One or more significant planning matters having regard to the Development Plan and any other material considerations.
13. There is no legislative definition as to what constitutes economic, social or environmental significance. The guidance available states that the nominated officer and member assess these matters, and what constitutes 'significant' will vary depending on the local area. Examples could include:

- a) An application for outline planning permission for a large multi-phase residential development allocated in the local plan.
  - b) An application for planning permission for change of use of a community shop in a rural area.
  - c) An application for planning permission or listed building consent for changes to a notable listed building in a town centre.
14. Members will need to carefully consider the impact that a proposed application will have on the community and, where relevant, be able to demonstrate 'significant'. The guidance has made it clear that matters such as the number of concerned residents should not factor into the consideration of the test. Training will be provided to members and a protocol drafted which will aim to clarify how the Gateway Test will consider certain matters. The Strategic and Development Management Manager will also ensure that this is covered at the next Parish Forum so that Parish and Town Councils are kept apprised of the new regime.
15. The following matters are unlikely to raise a significant planning matter:
- a) where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application
  - b) where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the nominated officer has compelling reasons to consider otherwise)
16. There is the implicit expectation that Members need to ensure that their rationale is linked to clear planning reasons. These will need to include reference to either the National Planning Policy Framework (NPPF) or a Local Plan Policy so that they are able to demonstrate why it is considered that the deviation from policy is significant in its nature. It will not be sufficient to simply state 'it is considered to be unacceptable'; therefore, Members will need to provide details as to why and what impact is considered to be caused by the proposed development.
17. The guidance emphasises the need for clear governance around how gateway decisions are to be made, including:
- a) Identifying the Nominated Member and Officer Roles (including substitute arrangements).
  - b) Establishing a transparent record of decisions on whether applications are referred to committee, which should be made publicly available on the website.

### **Nominated Persons**

18. It is proposed that the Nominated Member is the Chair of the Planning Committee, with the Vice-Chair of the Planning Committee as a substitute, and the Nominated

Officer is the Strategic Planning & Development Management Manager, with the Planning Team Leader as a substitute. The Nominated Member and Officer are collectively referred to as the Nominated Persons.

### **Gateway Test Process**

19. The Gateway test meeting will be held on the First Tuesday of every Month (in line with the current Committee schedule). This will ensure there is sufficient time for an application to be written up, an agenda published, and then for it to be determined by the Planning Committee should the gateway test be met. A member of the Legal Services team will attend the Gateway meeting to give advice and to ensure probity in the decision-making process.
20. All discussions will be minuted and signed by attendees utilising the call-in form as the document which will be published on the Council's website (within 5 working days from the date of the Gateway Test meeting).
21. The Gateway Test meeting is not a public meeting and as such will not be open for attendance nor live streaming.
22. Where the Nominated Persons decide that an application has not passed the gateway test, i.e. it will not be determined by the Planning Committee, the outcome will be recorded, with details. Where the application does not pass the gateway test, the application will be determined by the case officer, and this will be able to be done once the decision record has been agreed and circulated.
23. Members involved in the gateway process (either calling in an application for Gateway review or determining whether the Gateway Test is met) need to be aware of pre-determination. The Gateway Test itself is not a consideration of the merits of an application. It is a test to determine whether the criteria is met that enables the application to be determined by the Planning Committee.
24. It is envisaged that the Planning Committee may determine less planning applications than it currently does. The Strategic Planning & Development Management Manager will carry out a review as to whether the frequency of planning committees is necessary. It is likely that this review will be undertaken at the end of the first six months of implementation of the new National Scheme of Delegation.

### **Stakeholder Engagement & Transparency of Decision-Making**

25. The Regulations require the Council to keep records of decisions and to make these publicly available. It is intended that the call-in form will be used to record these decisions. The call-in form and decision will be placed on public access against the planning application to which it relates. The call-in form is provided at Appendix 1.
26. It should be noted that this record only relates to applications that are subject to the Gateway Test.
27. Committee and delegated reports will identify which schedule an application falls within and whether the application will be determined by an Officer or the Planning Committee.

28. The production of a Statement of Community Involvement is no longer a statutory requirement. The guidance in the current document will be amended to reflect this and will set out that there is a strong focus on community engagement within the development management process.
29. With respect to “own interest” applications, these will be defined for the purposes of Planning Committee as applications for Planning and listed building applications submitted by The Council (including the Trading Companies); Members of the Council; Officers of the Council or close family relatives of any of those people have a pecuniary interest. Such applications shall be determined by the Planning Committee. Close family relative means:
- (i) Spouse (including husband/wife, civil partner, or person living with them as if they were a husband/wife/civil partner)
  - (ii) Parent/parent of spouse
  - (iii) Child/child of spouse
  - (iv) Sibling/sibling of spouse
  - (v) Niece/nephew and their spouse
  - (vi) Grandparent and their spouse
  - (vii) Uncle/Aunt/ first cousin and their spouse
30. For ‘own interest’ applications, this condition only relates to planning applications (including outline, full and reserved matters applications) and listed building consent applications. This means all the following types of applications shall be determined as default under delegated powers.
- (i) Discharges of Condition submissions
  - (ii) Non-Material Amendment Applications
  - (iii) Screening and Scoping Opinions
  - (iv) Advertising Consent applications
  - (v) Habitat Regulation Assessments
  - (vi) Certificate of Lawful use / Development
  - (vii) Prior approval applications under the Town & Country Planning (general Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments
  - (viii) Works to Trees and/or hedgerows

## Constitutional Matters

31. The changes outlined in this report will need to be reflected in the Constitution. All these changes will need to be made and ready for implementation on 31 October 2026.

32. The Council will be at risk of challenge if the Constitution does not reflect the requirements of the Regulations.

33. The draft changes are provided at Appendix 2a and 2b.

## Arguments/Conclusions

34. The changes proposed are necessary to implement the Regulations that come into force on 31 October 2026.

35. A protocol is being developed which will reflect the information within this report. This will be made publicly available on the Council's website.

36. Training will be provided to all Members as soon as practicably possible. Example Call-In forms are provided in Appendix 1a, 1b and 1c.

## Additional Implications Assessment

37.

|                                                   |                                                       |                                                           |
|---------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------------|
| <b>Financial Implications</b><br><br>No           | <b>Legal Implications</b><br><br>Identified in report | <b>Human Resources (HR) Implications</b><br><br>No        |
| <b>Equality Impact Assessment (EIA)</b><br><br>No | <b>Carbon Impact Assessment (CIA)</b><br><br>No       | <b>Data Protection Impact Assessment (DPIA)</b><br><br>No |

## Appendices

Appendix 1- Call-in Form

Appendix 1a, b and c- Example Call-in Form

Appendix 2a and b - Draft Constitution Changes

## Background documents

[The Town and Country Planning \(Discharge of Local Planning Authority Functions\) \(England\) Regulations 2026](#)

[Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

## PLANNING SERVICES

East Cambridgeshire  
District Council**FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST**

Application Number:

Elected Member

Details

Ward:

This form is to enable an elected member to call an application into the Planning Committee. This form requests details required as per legislation and the Council's Constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at Planning Committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting or at the latest within 5 working days of the gateway meeting.

**Application Type Please mark at least ONE with an X– Please contact Case Officer if unsure as to what category the application relates to.**

|                                                                                                                                                                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| An application for listed building or an application variation or discharge of conditions of listed building consent                                                                                                                                                                                                                                                                        |  |
| A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.                                                                                                                                                                                                                                                       |  |
| An application for planning permission that is not—<br>a) a householder application,<br>b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or<br>c) a minor residential application (a project of <b>nine or fewer new dwellings</b> on a site with an area of <b>less than 0.5 hectares</b> ) ; |  |
| <b><u>Please outline below what the application is for to assist in reviewing your request.</u></b>                                                                                                                                                                                                                                                                                         |  |
| An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.                                                                                                                                                                                               |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>Guidance - “Call-in original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</p> <p>Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.</p> |  |
| A retrospective application made under section 73 (to amend a previous permission).                                                                                                                                                                                                                                                                                                                                 |  |
| <p>An application (related to another column in this form which relates to a planning obligation which is outlined below:</p> <p>a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;</p> <p>b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.</p>                                                                        |  |
| A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).                                                                                                                                                                                                                                                                                              |  |
| An application for the display of an advert.                                                                                                                                                                                                                                                                                                                                                                        |  |
| An application for works to a tree subject to a TPO.                                                                                                                                                                                                                                                                                                                                                                |  |
| Please add any additional information here:                                                                                                                                                                                                                                                                                                                                                                         |  |

### Gateway Considerations (1)

Please outline below any significant **economic, social or environmental** impacts to the local area.

**Guidance** – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.

**TYPE HERE**

### Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

Yes/No

**Guidance** – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome

|                                |  |
|--------------------------------|--|
| regardless of Local Objection. |  |
|--------------------------------|--|

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|                                                                |
|----------------------------------------------------------------|
| <b>GATEWAY MEETING – To be filled in by Nominated Officers</b> |
|----------------------------------------------------------------|

|                  |  |
|------------------|--|
| Date of Meeting: |  |
|------------------|--|

|                     |  |
|---------------------|--|
| Attending Officers: |  |
|---------------------|--|

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| <b>Outcome of Gateway Discussion</b> |
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| <b>Passed (To be heard at Committee) / Failed (Delegated Decision) <i>Delete as appropriate.</i></b> |
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| <b>Outcome of Gateway Discussion – Notes and reasons for decision</b> |
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|                  | Nominated Officer | Nominated Member |
|------------------|-------------------|------------------|
| <b>Signed:</b>   |                   |                  |
| <b>Name:</b>     |                   |                  |
| <b>Date:</b>     |                   |                  |
| <b>Position:</b> |                   |                  |



**Please Note: This worked example is for educational purposes and should not be copied by elected members when filling in the form. It is intended to give an example of how a submission should look, and to show some (but not an exhaustive) examples of scenarios where the gateway test may be met.**

## PLANNING SERVICES



# East Cambridgeshire District Council

### FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST

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Application Number: 26/01234/FUL  
 Elected Member Details: A Member  
 Ward: Countrysideville

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This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

| Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.                                                                            |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| An application for listed building or An application variation or discharge of conditions of listed building consent                                                                                                         |   |
| A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.                                                                                        |   |
| An application for planning permission that is not—<br>a) a householder application,<br>b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square | X |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
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| metres), or<br>c) a minor residential application (a project of <b>nine or fewer new dwellings</b> on a site with an area of <b>less than 0.5 hectares</b> ) ;<br><br><b><u>Please outline below what the application is for to assist reviewing your request.</u></b>                                                                                                                                                                                                                                                                                                                                    |  |
| An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.<br><br>Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;<br><br>Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form. |  |
| A retrospective application made under section 73 (to amend a previous permission).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| An application (related to another column in this form which relates to a planning obligation which is outlined below:<br><br>a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;<br>b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.                                                                                                                                                                                                                                                                         |  |
| A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| An application for the display of an advert.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| An application for works to a tree subject to a TPO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| Please add any additional information here:<br><br><i>The application is for 25 Houses adjacent to the village of Biggerport</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

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| <b>Gateway Considerations (1)</b>                                                                        |
| Please outline below any significant <b>economic, social or environmental</b> impacts to the local area. |
| <b>Guidance</b> – Please ensure that you outline in detail why you consider the application              |

to meet any of the above concerns. Please provide any evidence that you may have.

The proposed development is for a significant number of new homes in the open countryside adjacent to the village of Biggerport. I consider that considerable thought should be given to the consideration of the following issues.

- 1) The impact on the local facilities – the village is small and the additional housing will place significant pressure on these facilities. The lack of an ability to walk into the village is considered to exacerbate this (SOCIAL).
- 2) The site is located in a sensitive location which has previously been used as informal social space and has seen various wildlife utilising the land. This and the prominent location visually on the approach to the village means that significant consideration should be given to the impacts on the character of the environment and surrounds of the village. (ENVIRONMENT).

### Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

**Guidance** – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

The NPPF policy HO10 and Local Plan Policies Growth 2 and HOU 4 for rural exception sites cover applications for additional growth in the open countryside.

It is considered that whilst 60% affordable housing is proposed on the site there needs to be significant consideration given to the percentages and the amount of market housing being proposed on the land. It is noted that there has been an assessment provided by the applicant to outline why this figure is proposed but do to the potential conflict with the NPPF and Local Plan it is a matter of local significance.

Secondly it is clear that whilst the site is geographically close to the centre of the village. The lack of footpaths would cause a significant detrimental impact contrary to Local Plan Policies HO10 and HOU4 (in relation to not being well connected) which should be given significant consideration by elected members via a committee meeting.

### GATEWAY MEETING – To be filled in by Nominated Officers

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| Date of Meeting:    |  |
| Attending Officers: |  |
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## Outcome of Gateway Discussion

**Passed (To be heard at Committee) / Failed (Delegated Decision) *Delete as appropriate.***

### Outcome of Gateway Discussion – Notes and reasons for decision

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| <b>Date</b>     |  |  |
| <b>Position</b> |  |  |

**Please Note: This worked example is for educational purposes and should not be copied by elected members when filling in the form. It is intended to give an example of how a submission should look, and to show some (but not an exhaustive) examples of scenarios where the gateway test may be met.**

## PLANNING SERVICES



# East Cambridgeshire District Council

### FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST

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Application Number: S/54321/FUL  
 Elected Member Cllr P Servant  
 Details  
 Ward: Gotham

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This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

| <b>Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.</b>                                                                                                                                                              |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| An application for listed building or An application variation or discharge of conditions of listed building consent                                                                                                                                                                                                  |   |
| A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.                                                                                                                                                                                 |   |
| An application for planning permission that is not—<br>a) a householder application,<br>b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or<br>c) a minor residential application (a project of <b>nine or fewer new</b> | X |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><b>dwelling</b>s on a site with an area of <b>less than 0.5 hectares</b>) ;</p> <p><b>Please outline below what the application is for to assist reviewing your request.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <p>An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.</p> <p>Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</p> <p>Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.</p> |  |
| <p>A retrospective application made under section 73 (to amend a previous permission).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| <p>An application (related to another column in this form which relates to a planning obligation which is outlined below:</p> <p>a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;</p> <p>b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.</p>                                                                                                                                                                                                                                                                     |  |
| <p>A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <p>An application for the display of an advert.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| <p>An application for works to a tree subject to a TPO.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <p>Please add any additional information here:</p> <p><i>Change of use of land to form 10no. gypsy/traveller pitches with residential static caravan, touring caravan and day room for each pitch and associated works.</i></p>                                                                                                                                                                                                                                                                                                                                                                                  |  |

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| <p><b>Gateway Considerations (1)</b></p>                                                                                                                                             |
| <p>Please outline below any significant <b>economic, social or environmental</b> impacts to the local area.</p>                                                                      |
| <p><b>Guidance</b> – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.</p> |

Environmental concerns –

The landscape and visual impact of the proposal is considered significant. The proposal would introduce a developed residential character into an otherwise open and undeveloped landscape. The combination of caravans, hardstanding, fencing, lighting and associated day room would result in a significant adverse effect on the landscape character and visual amenity.

**Gateway Considerations (2)**

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

**Guidance** – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

Policy HO12: Traveller Sites of the NPPF requires that the site provides a settled base while recognising the extent to which traditional lifestyles can contribute to sustainability. Whilst it is acknowledged that this might mean that locations not-well related to existing settlements may be appropriate, this site is particularly isolated. There is no safe walking route, no realistic cycling route, no meaningful public transport and ordinary day to day services, health and welfare services and schools require substantial car journeys.

**GATEWAY MEETING – To be filled in by Nominated Officers**

Date of Meeting:

Attending Officers:

**Outcome of Gateway Discussion**

**Passed (To be heard at Committee) / Failed (Delegated Decision) Delete as appropriate.**

**Outcome of Gateway Discussion – Notes and reasons for decision**

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| <b>Signed</b>   |  |  |
| <b>Date</b>     |  |  |
| <b>Position</b> |  |  |

## PLANNING SERVICES

East Cambridgeshire  
District Council**FORM FOR THE CALLING IN OF A PLANNING APPLICATION UNDER THE GATEWAY TEST**

Application Number: 12/34567/FUL and 12/234568/LBC

Elected Member Details Cllr A N Other

Ward: The Shire

This form is to enable an elected member to call an application into planning committee. This form requests details required as per legislation and the Councils constitution to enable the Strategic Planning & Development Management Manager and the Chair of Planning Committee to review the request against the guidelines to see if the gateway test has been achieved. Please note that a request does not guarantee that a matter will be heard at planning committee.

A response to your request will be issued in writing as soon as practicably possible following the gateway meeting.

| Application Type Please mark at least <u>ONE</u> with an X– Please contact Case Officer if unsure as to what category the application relates to.                                                                                                                                                                                                                                                                                                                                            |   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| An application for listed building or An application variation or discharge of conditions of listed building consent                                                                                                                                                                                                                                                                                                                                                                         | X |
| A Planning Application associated with an application for works to a listed building or discharge of conditions on a Listed Building.                                                                                                                                                                                                                                                                                                                                                        | X |
| An application for planning permission that is not—<br>a) a householder application,<br>b) a minor commercial application (such as shopfront alterations, small extensions, or new commercial floor space under 1,000 square metres), or<br>c) a minor residential application (a project of <b>nine or fewer new dwellings</b> on a site with an area of <b>less than 0.5 hectares</b> ) ;<br><br><b>Please outline below what the application is for to assist reviewing your request.</b> |   |
| An application (Section 73) to develop land without compliance with conditions previously attached in respect of which the original planning permission was a Schedule 2 planning permission.                                                                                                                                                                                                                                                                                                |   |

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| <p>Guidance - “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</p> <p>Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this form.</p> |  |
| A retrospective application made under section 73 (to amend a previous permission).                                                                                                                                                                                                                                                                                                                         |  |
| <p>An application (related to another column in this form which relates to a planning obligation which is outlined below:</p> <p>a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;</p> <p>b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.</p>                                                                |  |
| A reserved matters phase application – For permissions granting 500 homes or more (or a phase of such an application).                                                                                                                                                                                                                                                                                      |  |
| An application for the display of an advert.                                                                                                                                                                                                                                                                                                                                                                |  |
| An application for works to a tree subject to a TPO.                                                                                                                                                                                                                                                                                                                                                        |  |
| <p>The application is for a large extension to Hobbiton Village Hall, which is a Grade II listed building.</p>                                                                                                                                                                                                                                                                                              |  |

### Gateway Considerations (1)

Please outline below any significant **economic, social or environmental** impacts to the local area.

**Guidance** – Please ensure that you outline in detail why you consider the application to meet any of the above concerns. Please provide any evidence that you may have.

The Case Officer has advised that they are minded to recommend the application for approval, on the basis that the harm to the significance of the listed building (environmental) is outweighed by the public benefits. I believe that careful consideration should be given to the irreversible impacts on the heritage asset, specifically:

- Loss of historic fabric where an existing wall would be largely removed to allow the extension to join the building
- Visual impact of the extension on the significance of the listed building, as it is too large and overbearing in comparison to the original building.

The Planning Committee should be given the opportunity to weigh whether the public benefits in terms of increasing the capacity of the village hall outweigh the harm detailed above.

## Gateway Considerations (2)

Please outline any significant planning matters having regard to the Development Plan and any other material considerations.

**Guidance** – Please ensure that you link your comments to Local Plan Policies and Development Management Policies contained within the NPPF. Please note that where a site accords with an allocation or the NPPF/Local Plan the Gateway Test will be difficult to overcome regardless of Local Objection.

Local Plan policy ENV12 sets out that:

“Proposals that affect a Listed Building will not be permitted where it would have a detrimental impact on the visual, architectural or historic significance of the asset.

Proposals to extend, alter or change the use of a Listed Building will only be permitted where they would:

- Preserve or enhance the significance of the building and not involve substantial or total loss of historic fabric.
- Be compatible with the character, architectural integrity and setting of the Listed Building”

The NPPF says that:

“HE4: Securing the conservation of heritage assets

1. Heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. To achieve this, development proposals which would affect the significance of heritage assets, including any contribution made by their setting should:

- a. Maintain or secure a use consistent with their conservation, taking into account the importance of maintaining the assets, the positive contribution they can make to sustainable communities including local economies, and the positive contribution they can make to local character and distinctiveness; and
- b. Avoid (or if that is not possible, minimise) harm to the significance of heritage assets, and instead conserve this significance.

2. Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should have a clear and convincing justification in accordance with the policies in this chapter.”

And:

“HE6: Proposals affecting designated heritage assets

4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.”

As previously set out, I am concerned that this proposal does not meet these tests and that the harm to the listed building would not be outweighed by the public benefits of the proposal.

#### **GATEWAY MEETING – To be filled in by Nominated Officers**

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| Date of Meeting:    |  |
| Attending Officers: |  |
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#### **Outcome of Gateway Discussion**

**Passed (To be heard at Committee) / Failed (Delegated Decision) *Delete as appropriate.***

#### **Outcome of Gateway Discussion – Notes and reasons for decision**

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| <b>Signed</b>   |  |  |
| <b>Date</b>     |  |  |
| <b>Position</b> |  |  |

**PART 3**

**2. PROPER OFFICER  
FUNCTIONS**

## **“PROPER OFFICER” FUNCTIONS**

The following officers are appointed the Proper Officer for the purposes of Section 270(3) the Local Government Act 1972, or in relation to any other statute as indicated, in relation to the matters herein indicated:

### **1(A) CHIEF EXECUTIVE**

- (i) Any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26<sup>th</sup> October 1972, to the Clerk of the Council or the Town Clerk of a Borough.

- (ii) **LGA 1972 Section 13(3)**

Parish Trustee (together with the Chair of the Parish Meeting) for those parishes not having a separate Parish Council and shall be a body corporate by the name 'the Trustees' with the additions of the name of the Parish

- (iii) **Representation of the Peoples Act (RPA) 1983 Section 8**

The registration officer for the Register of Electors for the District of East Cambridgeshire.

- (iv) **RPA 1983 Section 35**

The Returning Officer for the election of District Councillors.

- (v) **LGA 1972 Section 83(1)-(4)**

The Officer in whose presence declarations of acceptance of office shall be made and to whom such declarations shall be delivered.

- (vi) **LGA 1972 Section 84**

The officer to whom a person elected to any office under the Act may deliver written notice of resignation.

- (vii) **LGA 1972 Section 88(2)**

The officer who may convene a meeting for the election of Chair of the District Council following a casual vacancy in that office.

- (viii) **LGA 1972 Section 89(1)(b)**

The officer to whom notice in writing of a casual vacancy in the office of Councillor shall be given.

- (ix) **LGA 1972 Section 146 (paragraphs (a) and (b))**

The officer who shall procure the transfer of securities consequent upon any change in name, area of functions of a local authority.

- (x) **LGA 1972 Section 234(1)**

The officer who shall be authorised to sign on behalf of the District Council any notice, order or other document.

- (xi) **LGA 1972 Schedule 12, Part 1 Para 4(2)(b)**

3(63)

The officer who shall sign a summons to attend a Council meeting.

(xii) **LGA 1972 Schedule 12 Part 1, Para 4(3)**

The officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.

(xiii) **The Local Authorities (Conduct of Referendums) (England) Regulations 2001**

The Counting Officer.

(xiv) **The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 as amended**

Matters relating to the verification number and the receipt and handling of petitions.

(xv) **LG and Housing Act 1989.**

The Head of the Council's paid service

(xvi) **LG and Housing Act 1989**

The officer who holds the list of politically restricted posts.

(xvii) **LGA 1972 Section 210(6)**

The officer who shall exercise any power with respect to a charity exercisable by any officer of a former authority and who shall be deemed to be the holder of a corresponding office for the purpose of sub-section (7).

**2. DEMOCRATIC SERVICES & ELECTIONS MANAGER OR CHIEF EXECUTIVE**

(i) **LGA 1972 Section 100A to 100F**

Functions relating to committee administration and access to information.

(ii) **Local Democracy, Economic Development and Construction Act 2009**

The officer who will receive petitions and requests for reviews for handling of the petitions under the Petitions Scheme, verify number and direct to the relevant Council, Committee or Officer for a response.

(iii) **LG and Housing Act 1989, Sections 15 to 17**

Receipt of notices from political groups. Review of allocation of seats.

**3. DIRECTOR LEGAL OR CHIEF EXECUTIVE**

(i) **LGA 1972 Section 224**

The officer who shall have responsibility for the custody of Council documents.

(ii) **LGA 1972 Section 225**

The proper officer for the custody of the deposit and retention of documents.

(iii) **LGA 1972 Section 229(5)**

The officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or any part of any such document.



(iv) **LGA 1972 Section 236(9)(10)**

The officer responsible for sending copies of byelaws to County, Town and Parish Councils.

(v) **LGA 1972 Section 238**

The officer who shall certify a printed copy of the byelaws made by the Council.

(vi) **LG (Miscellaneous Provisions) Act 1976, Section 41**

The officer who shall certify copies of orders, reports and minutes.

(vii) **LGA 1972 Schedule 22 Para 17**

The officer who shall certify orders, notices, demands or other documents under Section 166 of the Housing Act 1957.

(viii) **Town and Country Planning Act 1990**

The officer who shall certify copies of a local plan available for inspection by the public at the Council's offices.

(ix) **LGA 1972 Section 222 and 223**

The officer who shall have responsibility for the conduct of legal proceedings on behalf of the Council.

**4. DIRECTOR LEGAL**

(i) **LG and Housing Act 1989**

The Monitoring Officer.

**5. S151 OFFICER/DIRECTOR FINANCE**

(i) **LGA 1972 Section 151**

The officer who shall have responsibility for the administration of the financial affairs of the Council.

(ii) **LG and Finance Act 1988 Section 114**

The responsibility of the Financial Services Manager of the authority.

(iii) **LGA 1972 Section 115(2)**

The proper officer for the purposes of receiving all money from other officers of the Council under Section 115(2).

(iv) **Local Government and Housing Act 1989**

The proper officer for the purpose of paying Members' Allowances.

(v) **Local Government Act 2003 Sections 25 & 27**

The officer who shall report on the robustness of estimates and the adequacy of reserves.

(vi) **Accounts and Audit Regulations 2011**

The officer who shall maintain arrangements for financial management and internal control.

**5. STRATEGIC PLANNING & DEVELOPMENT MANAGEMENT MANAGER OR DIRECTOR COMMUNITY**

(i) **Planning (Listed Buildings and Conservation Areas) Act 1990 Section 2**

The officer who shall receive on deposit lists of buildings of special architectural or historic interest.

(ii) **LGA 1972 Section 191**

Duties in connection with Ordnance Survey.

(iii) **The Town & Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026**

The Strategic Planning & Development Management Manager to be the nominated officer for the Gateway test set out in the Regulations.. The Planning Team Leader (s) being the nominated deputy (ies).

**6. ENVIRONMENTAL SERVICES MANAGER**

(i) **Public Health Act 1936 – Sections 83, 84 and 85**

The proper officer of the Council who shall certify to the local authority that any premises, articles or clothing are filthy or verminous and who shall authorise a registered medical practitioner, or a woman duly authorised by the medical officer of health to carry out the cleaning of females under Section 85.

(ii) **Food Safety Act 1990**

The officer of the Council for all relevant purposes under the Act.

(iii) **The Clean Neighbourhood and Environmental Act**

The officer of the Council for all relevant purposes under the Act.

(iv) **The Housing Act 2004**

The officer of the Council for all relevant purposes under the Act.

(v) **Local Government Act 1972 – Section 101**

The officer who in the event of an outbreak of any epidemic of a notifiable infectious disease or food poisoning shall discharge the functions of the authority in relation to the prevention and control of such outbreak with over-riding authority to direct any officer of the Council as to the action to be taken by such officer in that behalf.

(vi) **Local Government Act 1972 – Section 270(3)**

**Public Health (Control of Disease) Act 1984 & all such Regulations made under Public Health (Control of Disease) Act 1984**

The proper officer for the purpose of taking medical decisions and undertaking specific duties.

(vii) **Public Health (Infectious Disease) Regulations 1988**

3(67)

The proper officer for action to be taken regarding infectious diseases to be specially reported and making of weekly and quarterly returns.

(viii) **Public Health (Prevention of Tuberculosis) Regulations 1925**

The proper officer to provide local authority with written report that person suffering from tuberculosis is engaged in work connected with milk; and to give notice to discontinue employment.

(ix) **The Food Safety (Live Molluscs and other Shellfish) Regulations 1992**

Proper officer to issue temporary prohibition orders on behalf of local authority when evidence that infectious or other disease is attributable to molluscs or shellfish.

(x) **National Assistance Act 1948 – Section 47**

The proper officer who shall issue a certificate to the local authority and give oral evidence to a court of summary jurisdiction on application being made for an order authorising the removal of a person in need of care and assistance.

(xi) **National Assistance (Amendment) Act 1951 – Section 1**

The proper officer who with another medical practitioner shall certify that a person in need of care and assistance shall be removed without delay and the proper officer authorised to make an application for an order of removal to a court of summary jurisdiction or to a single justice.

(xii) **The Health Protection (Notification) Regulations 2010 – Regulations 2, 3, 6**

The proper officer to appoint Consultants in Communicable Disease Control (CCDC) for the receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons.

(xiii) **Redress Schemes for Lettings Agency Work & Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014**

The proper officer to ensure persons involved in letting agency work and/or property management work are members of a Government approved property redress scheme.

(xiv) **The Health Protection (Coronavirus) Regulations 2020**

The proper officer for the purpose of taking urgent medical decisions and undertaking specific duties.

(xv) **The Health Protection (Coronavirus, Restrictions)(No. 2) (England) Regulations 2020**

Relevant Person for the purpose of closure and restriction of business premises  
Authorised Person for the purpose of serving Fixed Penalty Notices

**7. ENVIRONMENTAL SERVICES MANAGER OR DIRECTOR OPERATIONS**

(xvii) **Health & Safety at Work Act (HSAWA) 1974 – Sections 19 & 20**

The proper officer to authorise person(s) to accompany on site visits

**8. LICENSING MANAGER**

(i) **Licensing Act 2003**

The Proper Officer to issue licenses and carry out administrative duties.



**C. REGULATORY COMMITTEES:**

- (i) LICENSING COMMITTEE**
- (ii) PLANNING COMMITTEE**

**(i) LICENSING COMMITTEE****1. CONSTITUTION**

- 1.1 The Committee comprises 11 Members of the Council, who shall be appointed annually. Its quorum is 5.

**2.0 OBJECTIVES**

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 Through licensing policies to protect and promote good practice.
- 2.3 To balance the interests of applicants with the interests of residents and other interested parties.

**3.0 TERMS OF REFERENCE**

The Committee's terms of reference shall be:

- 3.1 To set policies and determine applications in relation to the functions of the Council with respect to:
- (a) Powers and duties under the Licensing Act 2003 not reserved by law to full Council.
  - (b) Powers and duties under the Gambling Act 2005 not reserved by law to full Council.
  - (c) The registration of persons and premises in relation to tattooing, cosmetic piercing, semi-permanent skin colouring, acupuncture, electrolysis, temporary markets and sex establishments.
  - (d) The licensing of caravan sites and other moveable dwellings and the provision and management of local authority caravan sites.
  - (e) Hackney Carriage and their drivers, and private hire vehicles, their drivers and operators.
  - (f) Charity Street and House to House collections and Street Trading Consents
  - (g) Animal welfare licences.
  - (h) Scrap metal dealers licenses
  - (i) Any other statutory or adopted licensing scheme the administration of which is the responsibility of the Council.

**4.0 Delegation to the Committee**

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

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

Paragraphs (a) and (b) to the Licensing (Statutory) Sub-Committee; Paragraphs (e) and (f) to the Licensing (Non-Statutory) Sub-Committee; Paragraphs (d), (g) and (h) to officers.

**5.0 Delegation to Officers**

- 5.1 The Environmental Services Manager or Director Operations or Director Legal are authorised to act on behalf of the Committee in relation to any matter within their respective remits of immediate urgency which must be dealt with before the next meeting of the Committee, provided:
- (a) the Chairman or Vice-Chairman of the Committee is consulted prior to delegated decisions being made;'
  - (b) the Service Delivery Champion is consulted prior any action taken under this delegated power
  - (c) spokespersons of minority groups are notified immediately of any action taken under this delegated power;
  - (d) action taken shall be as soon as practicable reported to the next Committee; and
  - (e) it excludes any decision which is by law expressly vested in the Council.
- 5.2 There shall be delegated to Environmental Services Manager or Director Operations or Director Legal the exercise of any power or function of the Council in routine matters falling within their remit related to the implementation of agreed strategies and programmes and established policies and procedures and within existing budgets after appropriate consultation with the Chair of the relevant Committee.
- 5.3 For the avoidance of doubt this delegation shall include the powers of entry and inspection of premises, seizure of goods, etc, service of notices, carrying out of works, commencement of enforcement and legal proceedings and the power to authorise others to exercise such powers.
- This delegation shall not be taken to include any matter reserved by law to the Full Council.
- 5.4 There are further delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters etc out below under the Listed Acts or any amendment, modification, or re-enactment of those Acts, or Regulations/Orders made under those Acts.

**1. GENERAL LICENSING DELEGATIONS**

| <b>Legislation</b>                                                                                                                  |  | <b>Delegated Officer</b>                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------|
| Animal Health Act 1981                                                                                                              |  | Environmental Services<br>Manager or Director<br>Operations or Director<br>Legal |
| Animal Welfare 2006                                                                                                                 |  |                                                                                  |
| Anti-Social Behaviour Act 2003                                                                                                      |  |                                                                                  |
| Anti-Social Behaviour, Crime<br>and Policing Act 2014                                                                               |  |                                                                                  |
| Caravan Sites Act 1968 Parts I<br>& II                                                                                              |  |                                                                                  |
| Caravan Sites and Control of<br>Development Act 1960                                                                                |  |                                                                                  |
| Criminal Justice and Police Act<br>2001 Section 19                                                                                  |  |                                                                                  |
| Dangerous Dogs Act 1991                                                                                                             |  |                                                                                  |
| Dangerous Wild Animals Act<br>1976                                                                                                  |  |                                                                                  |
| Gambling Act 2005                                                                                                                   |  |                                                                                  |
| Game Act 1831                                                                                                                       |  |                                                                                  |
| Guard Dogs Act 1975                                                                                                                 |  |                                                                                  |
| Housing Act 2004                                                                                                                    |  | Environmental Services<br>Manager or Director<br>Operations or Director<br>Legal |
| House to House Collections Act<br>1939 & House to House<br>Collections Regulations<br>1947                                          |  |                                                                                  |
| Hypnotism Act 1952                                                                                                                  |  |                                                                                  |
| Licensing Act 2003                                                                                                                  |  |                                                                                  |
| Local Government<br>(Miscellaneous Provisions) Act<br>1982 – Parts II, III, and VIII,<br>section 29, Schedule 3, and<br>Schedule 4. |  |                                                                                  |
| Local Government<br>(Miscellaneous Provisions) Act<br>1976 Part II                                                                  |  |                                                                                  |
| Mobile Homes Act 1983 and all<br>associated regulations                                                                             |  |                                                                                  |
| Mobile Homes Act 2013                                                                                                               |  |                                                                                  |
| Police, Factories, etc,<br>(Miscellaneous Provisions) Act<br>1916                                                                   |  |                                                                                  |
| Scrap Metal Dealers Act 2013                                                                                                        |  |                                                                                  |
| Slaughterhouses Act 1974                                                                                                            |  |                                                                                  |
| Sunbeds (Regulation) Act 2010                                                                                                       |  |                                                                                  |

|                                                                                           |  |                                                                         |
|-------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------|
| The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 |  | Environmental Services Manager or Director Operations or Director Legal |
| Town Police Clauses Act 1847                                                              |  |                                                                         |
| Transport Act 1980 and 1985                                                               |  |                                                                         |
| Zoo Licensing Act 1981                                                                    |  |                                                                         |
| Business and Planning Act 2020 – Part 1                                                   |  |                                                                         |

## 2. SPECIFIC OFFICER DELEGATIONS

|                                                                                                                                                                                                    |                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| The power to set fees and charges, and take enforcement action                                                                                                                                     | Environmental Services Manager or Director Legal                        |
| The power to immediately suspend or revoke a Hackney Carriage/Private Hire Drivers Licence (having consulted Chairman or Vice-Chairman of Licensing Committee).                                    | Environmental Services Manager or Director Operations or Director Legal |
| The power to grant, refuse, vary, transfer, review, suspend, revoke and withdraw licences, permits, registrations and consents.                                                                    | Environmental Services Manager or Director Operations or Director Legal |
| The power to act in an emergency to obtain injunctions in any cases.                                                                                                                               | Director Legal or Chief Executive                                       |
| The power to commence legal proceedings in respect of the Council's functions as set out in statute (subject to being satisfied as to evidence).                                                   | Director Legal or Chief Executive                                       |
| The power to act for the Council in proceedings brought in the Magistrates' Court in respect of appeals against licensing decisions.                                                               | Director Legal or Chief Executive                                       |
| Power to act for the Council in respect of challenges to policies set out in the District Council Statement of Licensing Policy brought either under the Human Rights Act 1998 or judicial review. | Director Legal or Chief Executive                                       |

**LICENSING (STATUTORY) SUB-COMMITTEE****1.0 Constitution**

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

**2.0 Objectives**

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

**3.0 Terms of Reference**

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

**LICENSING (NON-STATUTORY) SUB-COMMITTEE****1.0 Constitution**

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

**2.0 Objectives**

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

**3.0 Terms of Reference**

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

**HEARINGS PROCEDURE FOR LICENSING SUB-COMMITTEES**

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

*[In the case of enforcement/compliance hearings:*

- 9a. If a complainant is present, they will be asked to give details of their complaint. This procedure will be repeated if there is more than one complainant.*
- 9b. The licence holder or their representative will be asked to present their case.*
- 9c. Members, and Legal Officer will be able to ask questions of the licence holder.*
- 9d. Licence holder or their representative will be asked to provide their closing statement.]*

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

- 9a. *The review applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the review applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory Consultees.*
- 9e. *The licence holder or their representative will be asked to present their case.*
- 9f. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the licence holder.*
- 9g. *The licence holder or their representative will be asked to provide their closing statement.]*

*[In the case of all other application hearings:*

- 9a. *The Applicant or their representative will be asked to present their case.*
- 9b. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the applicant.*
- 9c. *Representatives of the Responsible Authorities and/or Statutory Consultees, and non-statutory Consultees (where applicable) will appear next to explain their case.*
- 9d. *Members, Legal Officer, any other party to the hearing will be able to ask questions of the Responsible Authorities and/or Statutory/Non-statutory Consultees.*
- 9e. *The applicant will be asked to provide their closing statement.]*
- 10. Members will be able to ask questions of any party at any time during the hearing but will at all times bear in mind the need for all parties to be afforded the same time to make their case.
- 11. Documentary or other information may be produced for consideration by the hearing by any party attending the hearing either before the hearing, or with the consent of all the other parties, at the hearing.
- 12. Information which is not relevant to:
  - the application/case, representation or notice (as applicable);
  - the provision of the licensing objectives or (in relation to a hearing to consider a notice given by a chief officer of police) the crime prevention objective;will be disregarded.

13. For the avoidance of doubt, formal cross-examination will not be allowed at hearings, unless the Members of the hearing consider that it is required for proper consideration by them of any representation, application or notice as the case may require.
14. Should Members during the hearing be of the opinion that a site visit is necessary to enable them to make the decision then the meeting will be adjourned and a site visit carried out in accordance with the Council's Site Visit Guidance.
15. Following the presentations by and questioning of all the parties, the Members of the hearing will generally retire into closed session (either by leaving the room or asking all other parties to do so). The Members will make a decision and record reasons for this.

The authority will normally make its determination on the day and announce their decision and the reasons for it at the conclusion of the hearing. However, if stated otherwise by Members before they retire, the decision will be communicated to all parties within 5 working days.

16. The Council shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal. The right of appeal is 21 days from the date of notification of the decision.
17. For the avoidance of doubt, any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.
18. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take steps as it thinks fit to cure the irregularity before reaching its determination.
19. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.
20. Any person attending the hearing who in the opinion of the Members hearing the matter is behaving in a disruptive manner may be required to leave the hearing and may:
  - be refused permission to return; or
  - be permitted to return only on the conditions as may be specified by the Members and the hearing PROVIDED THAT such person may, before the end of the hearing, submit to the hearing in writing any information which they would have been entitled to give orally had they not been required to leave.

**(ii) PLANNING COMMITTEE****1. CONSTITUTION**

- 1.1 The Committee shall comprise 11 Members of the Council who shall be appointed annually. Its quorum is 5.

**2.0 OBJECTIVES**

- 2.1 To conserve the distinctive character of the built environment, to involve the local community in planning decisions and to manage development whilst extending the provision of affordable housing.
- 2.2 To create a safer environment where people can live and work free from crime and the fear of crime.
- 2.3 To encourage a varied and dynamic local economy, which does not harm and seeks to improve the environment, offers high quality employment and training opportunities, and secures the vitality of our towns and villages.
- 2.4 To promote an accessible integrated and affordable transport system that reduces its impact on the environment.
- 2.5 To protect and enhance the wealth of wildlife and to maintain and improve access to the natural environment and awareness of it.
- 2.6 To encourage the reduction in the use of finite resources and the reduction of pollution to the natural environment.

**3.0 TERMS OF REFERENCE**

The Committee's terms of reference shall be:

- 3.1 To undertake the prescribed functions of the Council under the Town and Country Planning Act 1990 and associated current legislation, including the Town and Country Planning General Development Orders, Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and any modification or re-enactment thereof with respect to development control, advertisement control, conservation areas, building preservation notices, listed buildings, tree preservation orders.
- 3.2 To approve or refuse applications as outlined under the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 including the required Gateway Test and publication of information.
- 3.3 To approve or refuse applications for approval of new buildings and work under the Building Regulations 1986 and any other relevant enactment, and any modification or re-enactment together with the enforcement of such Regulations other than those determined by officers acting with delegated authority.
- 3.4 To undertake the functions of the Council under the Planning (Listed Buildings and Conservation Area) Act 1990 and any modification or re-enactment, including the making of

3(42)

Building Preservation Notices other than those determined by Officers acting with delegated authority, SAVE THAT Compulsory Purchase action, must be referred to Full Council for approval.

- 3.5 To undertake the functions of the Council under the provisions of Section 97 and 99 of the Town and Country Planning Act 1990 in relation to the revocation or modification of planning permission *SAVE THAT any proposal for the payment of compensation must comply with the Financial Regulations and Financial Procedure Rules within this Constitution.*
- 3.6 To undertake the functions of the Council under Part 2 of the Planning and Compulsory Purchase Act 2004 (local development), section 14A ('Register of Land'), including preparation of a Brownfield Land Register as required by The Town and Country Planning (Brownfield Land Register) Regulations 2017.

#### 4.0 **DELEGATION - DETERMINATION OF PLANNING APPLICATIONS**

##### 4.1 **Default Delegation to: Strategic Planning & Development Management Manager**

To undertake all statutory functions of the Council acting as Local Planning Authority including to determine all planning and listed building applications and related matters, advert consent applications, certificate of lawful use / development applications, all tree and hedgerow matters including making Tree Preservation Orders, prior approval applications, screening and scoping opinions, Habitats Regulations Assessment and the service of any notices in relation to any of the functions delegated including the serving of all types of planning enforcement notice.

#### **Applications which are Delegated at all times**

- 4.2 Except in relation to applications submitted in the circumstances set out in paragraphs 4.4 and 4.5, the following application types **MUST** be determined under powers delegated to the Strategic Planning & Development Management Manager without determination by the Planning Committee. Such applications are prescribed within **Schedule 1** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) and include:
- 1) An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development);
  - 2) An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works)
  - 3) A householder application;
  - 4) A minor commercial application;
  - 5) A minor residential application;
  - 6) An application for permission in principle;
  - 7) (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.
- (2) In this paragraph— "original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

“Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule;

- 8) An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle);
- 9) (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval— a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;  
b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990;
- (2) In this paragraph, “Schedule 1 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026;
- 10) An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development);
- 11) An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development);
- 12) The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990;
- 13) (1) A reserved matters approval application in respect of an outline planning permission other than a large outline permission.
- (2) In this paragraph “large outline permission” means an outline planning permission which permits development involving either or both of—  
a) the provision of 500 or more dwellings;  
b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more;
- 14) An application made under article 27(1) of DMPO (applications made under a planning condition); and
- 15) An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for— a) prior approval, or  
b) determination as to whether prior approval is required.

### **Applications that MAY be heard by Planning Committee**

- 4.3 Except in relation to applications submitted in the circumstances set out in paragraphs 4.4 and 4.5, the following application types **MUST** be determined under powers delegated to the Strategic Planning and Development Management Manager without determination by the Planning Committee **unless** the application passes the “**Gateway Test**” set out at paragraph 4.6 which means that the application **MAY** be determined by the Planning Committee. Such applications subject to the “**Gateway Test**” are prescribed within **Schedule 2** of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) and include:
  - 1) An application for listed building consent made under section 10(1) of the Listed Buildings Act;
  - 2) An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent);
  - 3) An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1) or 2);
  - 4) An application for planning permission that is not—

- a) a householder application,
- b) a minor commercial application, or
- c) a minor residential application;
- 5) (1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.
- (2) In this paragraph— “original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990; “Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule;
- 6) An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out);
- 7) (1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—
  - a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;
  - b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.
- (2) In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended);
- 8) A reserved matters phase application;
- 9) An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement); or
- 10) An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order).
- 4.4 **All applications submitted by or on behalf of the District Council including any trading companies shall be determined by the Planning Committee.**
- 4.5 Planning and listed building applications where Members of the Council; Officers of the Council or close family relatives of any of those people have a pecuniary interest, shall be determined by Planning Committee.
- 4.6 For clarity, close family relatives shall be defined as following: -
  - (i) Spouse (including husband wife, civil partner, or person living with them as if they were a husband/wife/civil partner);
  - (ii) Parent/parent of spouse
  - (iii) Child/child of spouse
  - (iv) Sibling/sibling of spouse
  - (v) Niece/nephew and their spouse

- (vi) Grandparent and their spouse
- (vii) Uncle/Aunt/ first cousin and their spouse.

4.7 For clarity ‘own interest’ applications i.e. those outlined at 4.4 & 4.5 **only** relate to planning applications (including outline, full and reserved matters applications) and listed building consent applications. This means all the following types of application shall be determined as default under delegated powers regardless of the applicant: -

- (i) Discharges of Condition submissions
- (ii) Non-Material Amendment Applications
- (iii) Screening and Scoping Opinions
- (iv) Advertising Consent applications
- (v) Habitat Regulation Assessments
- (vi) Certificate of Lawful use / Development
- (vii) Prior approval applications under the Town & Country Planning (general Permitted Development) (Amendment) (England) Order 2015 and any subsequent amendments
- (viii) Works to Trees and/or hedgerows

#### “Gateway Test”

4.8 Where an application is for a type of development falling within Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (as amended) an application may be referred to Planning Committee for determination subject to the following:

4.9.1 **Both** the Nominated Member **AND** Nominated Officer or their authorised substitute agree that a proposal raises:

- a) One or more issues of economic, social or environmental significance to the local area; or
- b) One or more significant planning matters having regard to the Development Plan and any other material considerations

4.9.2 For the avoidance of doubt, the Chair of the Planning Committee shall be the Nominated Member, and the Vice Chair of the Planning Committee shall be the Nominated Deputy Member or as otherwise agreed with the Chair of the Planning Committee. The Nominated Officer is as set out in Part 3 Responsibility for Functions.

4.9.3 In considering whether paragraph 4.9.1 a) or 4.9.1 b) above apply, the Nominated Member and Nominated Officer or their authorised substitute shall have regard to any representations made in writing by Local Member(s) (via the prescribed form see appendix C) so long as any such representation(s) raise material planning matters and are received no later than **7 calendar days** following the end of **any** public consultation period and so long as the relevant Local Member does not have a conflict of interest, in which case no representation from that member shall be accepted.

- 4.9.4 For the purposes of the Gateway test, a Local Member is defined as the Local Ward Member (for the ward(s) for which the Planning Application Red Line Boundary is within) or an elected member who is nominated in advance in writing in their absence.
- 4.9.5 Should agreement not be made by the Nominated Member and Nominated Officer then the request will have failed the Gateway Test and the application will be determined via delegated authority. This authority will be immediate, and the application can be determined at this point following written confirmation and circulation of the decision internally.
- 4.9.6 In considering whether paragraphs 4.9.1 a) or b) above apply, the Nominated Member and Nominated Officer or their authorised substitute shall have regard to the following “Gateway Test” Guidance:
- 4.9.7 Where an application relates to a listed building consent (as per paras 4.3 (1,2 and 3) referral to Committee should take account of any gateway decision made in relation to any accompanying planning application (where relevant) and whether Committee referral has been requested for that application. The planning and listed building applications should **both** be referred to Planning Committee if one of them is referred, having regard to the following advice. Referral to Committee for the listed building application should only be made based on the heritage (environmental) impact of the proposal. An application may only be called to Committee for determination where a proposal would result in substantial heritage harm or less than substantial heritage harm WITHOUT evidential public benefit to outweigh the identified harm AND where the Officer recommendation is for approval. Referral to Committee for the planning application should only occur where the proposal amounts to a clear departure from the Development Plan and the Officer recommendation is for approval OR where the Officer recommendation is for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.10 For other Planning applications, referral to Committee should only occur where the proposal amounts to a clear departure from the Development Plan and refusal is warranted OR where there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.11 Where an application is for a type set out at paragraph 4.3 (7), referral to Committee should only occur in exceptional circumstances where the modification of an S106 obligation would amount to a departure from the Development Plan AND the Officer recommendation is for approval. All discharge of S106 obligation applications will be delegated to Officers.
- 4.12 Where an application is for a type set out at paragraph 4.3 (8), referral to Committee should only occur where the reserved matters phase proposal amounts to a clear departure from the Development Plan and/or the original outline consent and the Officer recommendation is for approval OR where the Officer recommendation is for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.
- 4.13 Where an application is for a type set out at paragraph 4.3 (9), referral to Committee should only occur where the proposal gives rise to significant amenity or public safety concerns and the Officer recommendation is for approval OR where the Officer recommendation is

for refusal and there are significant matters having regard to the Development Plan and any other material considerations which could justify approval.

- 4.14 Where an application is for a type set out at paragraph 4.3 (10) referral to Committee should only be considered where five or more public representations have been received which raise material planning matters in objection to the proposal, or significant impacts to local amenity have been raised and the Officers recommendation is for approval. All other applications shall be delegated to officers.
- 4.15 The Gateway Meeting will take place on the First Tuesday of the Month (“the gateway meeting”). The meeting will be attended by the Nominated Member and Nominated Officer and a member of the Council’s Legal Services team.
- 4.16 Following the gateway meeting the Council will publish the outcome of the discussions on its website within 5 working days of the meeting being held.

#### 4.17 DELEGATION TO OFFICERS – PLANNING COMMITTEE

There are delegated to the officers indicated below the exercise of any power or function of the Council relating to the matters set out below, including service of notices, carrying out of default works, commencement of enforcements and other proceedings.

|                                                                                                                                                                                                                                                                                             |                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Building Act 1984</b>                                                                                                                                                                                                                                                                    | Responsible Service Director or Building Control Manager                                                                              |
| <b>Building (Local Authorities Charges) Regulations 2010</b> Power to set fees.                                                                                                                                                                                                             | Responsible Service Director or Building Control Manager                                                                              |
| <b>Business and Planning Act 2020 – Part 3 – Planning</b>                                                                                                                                                                                                                                   | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders                        |
| <b>Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026</b>                                                                                                                                                                               | Strategic Planning and Development Management Manager or Planning Team Leaders or Major Projects Officers or Senior Planning Officers |
| <b>Planning Act 2008 &amp; Community Infrastructure Levy Regulations 2010</b><br>To authorise/ arrange and approve any operational issues, process and procedure for CIL enforcement.                                                                                                       | Chief Executive or Responsible Service Director                                                                                       |
| <b>Town and Country Planning (Environmental Impact Assessment) Regulations 2017</b><br>To undertake screening and scoping opinions, and to determine whether any application for planning permission constitutes EIA development that should be accompanied by the Environmental Statement. | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders                        |

|                                                                                                                                                                                                                  |                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Town and Country Planning (General Permitted Development) (England) Order 2015</b><br>Service of Article 4 directions requiring submission of reserved matters in support of an outline planning application. | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders                                                                      |
| <b>Town and Country Planning (General Permitted Development) (England) Order 2015 Town and Country Planning Act 1990 as amended</b><br>Determination of notifications <sup>1</sup> .                             | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or <b>Major Projects Officer</b> or Senior Planning Officer          |
| <b>Town and Country Planning Act 1990</b><br>To serve notice under Section 330 requiring the provisions of details of interest in premises                                                                       | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Planning Enforcement Team Leader or Planning Enforcement Officers |
| To declare any particular planning application to be a County matter.                                                                                                                                            | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders                                                                      |
| Formal response to all County Council consultations; for example, school extensions, mobile classrooms, mineral and waste disposal applications. Local member(s) to be consulted.                                | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders                                                                      |
| Processing of applications for planning permission under Part III of the Act.                                                                                                                                    | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or <b>Major Projects Officer</b> or Senior Planning Officers         |

<sup>1</sup> Monitoring Officer revision of wording under Article 11.02(a) following introduction of SI 2013/1101, for legislative compliance 30 May 2013

|                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sections 70, 70C and 72</b><br>s70A Power to decline to determine applications<br>s70B Power to decline to determine overlapping application<br>s70C Power to decline to determine retrospective application<br>s81A Power to decline to determine subsequent application<br>s81B Power to decline to determine overlapping application | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or <b>Major Projects Officer</b> or Senior Planning Officers |
| <b>Section 106</b><br>To draft and complete planning obligations in consultation with the Strategic Planning and Development Management Manager & Responsible Service Director                                                                                                                                                             | Director Legal or Responsible Service Director                                                                                                                              |
| <b>Section 106</b><br>Authorisation to affix the Council's seal on agreements reached in respect of applications.                                                                                                                                                                                                                          | Chief Executive or Director Legal                                                                                                                                           |
| <b>Section 106A</b><br>To act on requests to modify or discharge completed planning obligations in consultation with the Planning Manager & Strategic Housing Enabler                                                                                                                                                                      | Director Legal or Director Community                                                                                                                                        |
| <b>Section 197, 198 &amp; 201</b><br>To make Tree Preservation Orders where such orders are unopposed subject to notification of any such action being to local members(s).                                                                                                                                                                | Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader        |
| <b>Sections 202C &amp; 210</b><br>To undertake investigations into unauthorised works to trees subject to a Tree Preservation Order                                                                                                                                                                                                        | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer |
| <b>Sections 206 &amp; 207</b><br>Serve of notice and institution of proceedings with regard to tree replacement                                                                                                                                                                                                                            | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer |
| <b>Section 211</b><br>To undertake investigations into unauthorised works to trees within conservation areas                                                                                                                                                                                                                               | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Trees Officer |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sections 215 and 216</b><br>Serve of notice and institution of proceedings with regard to proper maintenance of land.                                                                                                                                                                                                                                                                                                                                                                                                                           | Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Team Leaders or Planning Enforcement Team Leader               |
| <b>The Planning (Listed Buildings and Conservation Areas) Act 1990</b><br><br><b>Section 3</b><br>To serve Building Preservation Notices in cases of emergency subject to notification of any such action being made as soon as practicable to a meeting of the Planning Committee.<br><br><b>Section 47</b><br>To consider and make recommendations on compulsory acquisition of listed buildings to Planning Committee.<br><br><b>Section 48</b><br>To issue or authorise the issuing of repairs notice as preliminary to acquisition under s47. | Responsible Service Director and in his/her absence Strategic Planning and Development Management Manager                                                                          |
| <b>Section 88</b><br><b>To provide entry rights for listed building enforcement purposes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers or Conservation Officer |
| <b>The Town and Country Planning (Tree Preservation) (England) Regulations 2012 Part 2 Sections 10 and 11</b><br>To revoke orders where trees have been removed because of the implementation of planning permission, subject to local members being notified.                                                                                                                                                                                                                                                                                     | Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal or Planning Enforcement Team Leader                                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Local Government (Miscellaneous Provisions) Act 1982 s23 &amp; s24</b><br>Power of local authorities to deal with dangerous trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Responsible Service Director or Strategic Planning and Development Management Manager or Trees Officer                                                               |
| <b>Town and Country Planning Act 1990</b><br><b>Town and Country Planning Act (Control of Advertisements) Regulations 2007 as amended</b><br>Institution of proceedings against fly posters.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Strategic Planning and Development Management Manager or Director Legal                                                                                              |
| <b>Town and Country Planning Act 1990, section 225 as amended by section 34 of the Clean Neighbourhoods and Environment Act 2005</b><br>To authorise the carrying out the powers of the local planning authority under section 225 as so amended to remove or obliterate any placard or poster located on or within the [public or whatever] highway which is displayed in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (including any regulations amending or replacing those Regulations) and to take any necessary action to recover the cost of doing so in accordance with section 225(6). | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Planning Enforcement Team Leader                   |
| To take enforcement action (including although not limited to serving Action Notices/Removal Notices, Default powers) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.                                                                                                                                                                                                                                                                                                                                                                    | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader |
| <b>Town and Country Planning (Inquiries Procedure) Rules 2000</b><br>Paragraph 11(3)<br>To represent the Council at Local Inquiries.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Senior Legal Assistant and Legal Assistant (Solicitors authorised automatically)                                                                                     |
| <b>Town and Country Planning Act 1990</b><br><b>Planning and Compensation Act 1991</b><br>To take enforcement action (including although not limited to serving Breach of Conditions Notices/ Planning Contravention Notices / Enforcement Notices/ Enforcement Orders/Stop Notices/ Default powers, remove or obliterate unauthorised signs or remove a display structure) and subsequent prosecution/injunction proceedings where appropriate or withdrawing or ceasing such action in accordance with the approved scheme of delegation.                                                                                                              | Responsible Service Director or Strategic Planning and Development Management Manager or Planning Team Leaders or Director Legal or Planning Enforcement Team Leader |
| <b>Section 171C Town and Country Planning Act 1990</b><br>Signature of Planning Contravention Notices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Strategic Planning and Development Management Manager or Planning Enforcement Team Leader or Planning Enforcement Officers                                           |

|                                                                                                                                                                                                |                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Signature of Breach of Condition Notices<br>/Enforcement Notices/Stop Notices/Default powers.                                                                                                  | Responsible Service Director or<br>Strategic Planning and Development<br>Management Manager or Director<br>Legal or Planning Team Leaders or<br>Planning Enforcement Team Leader                     |
| <b>Anti-social Behaviour Act 2003 – Part 8</b><br>To serve High Hedge Remedial Notices, instigate<br>any prosecution proceedings and the taking of direct<br>action                            | Responsible Service Director or<br>Strategic Planning and Development<br>Management Manager or Director<br>Legal or Planning Team Leaders or<br>Planning Enforcement Team Leader or<br>Trees Officer |
| <b>The Hedgerows Regulations 1997</b><br>To take enforcement action and instigate any<br>prosecution proceedings                                                                               | Responsible Service Director or<br>Strategic Planning and Development<br>Management Manager or Director<br>Legal or Planning Enforcement Team<br>Leader or Trees Officer                             |
| <b>Anti-social Behaviour Crime and Policing Act<br/>2014</b><br><b>Power to issue and enforce Community<br/>Protection Notices.</b>                                                            | Responsible Service Director or<br>Strategic Planning and Development<br>Management Manager or Director<br>Legal or Planning Enforcement Team<br>Leader or Trees Officer                             |
| <b>Public Health Act 1925 – Town Improvement<br/>Clauses Act 1847</b><br>To make orders and serve notices in relation to the<br>naming and numbering of streets.                               | Responsible Service Director or ICT<br>Manager                                                                                                                                                       |
| <b>Public Health Act 1936</b><br><b>Sections 275 and 291</b><br>To take required measures at expense of owner or<br>occupier and take action to recover those expenses                         | Responsible Service Director or<br>Strategic Planning and Development<br>Management Manager                                                                                                          |
| <b>Safety of Sports Grounds Act 1975</b><br><b>Sections 1 – 6</b><br>To represent the Council as the Building Authority in<br>respect of the Sports Grounds Act within East<br>Cambridgeshire. | Responsible Service Director or<br>Building Control Manager or Senior<br>Building Control Surveyor                                                                                                   |

|                                                                                                                                                    |                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Goods Vehicles (Licensing of Operators) Act 1995</b><br>Authority to make representations on applications for Goods Vehicle Operating Licences. | Responsible Service Director or in his/her absence Strategic Planning and Development Management Manager or Environmental Services Manager |
| <b>Prosecution Proceedings</b><br>To institute prosecution proceedings. <sup>2</sup>                                                               | Director Legal or Chief Executive                                                                                                          |
| To take enforcement action, apply for injunctions and subsequent prosecution proceedings, where applicable.                                        | Responsible Service Director or Strategic Planning and Development Management Manager or Director Legal                                    |
| <b>Town and Country Planning (Brownfield Land Register) Regulations 2017</b><br>Publication of sites in Part 1 of a Brownfield Land Register       | Responsible Service Director or Strategic Planning and Development Management Manager                                                      |

<sup>2</sup> Council Agenda item 13, 210213, to include CIL – related enforcement Under Planning Act 2008 & Community Infrastructure Levy Regulations



**TITLE: CONSTITUTIONAL UPDATE- AMENDMENT**

Committee: Council

Date: 15 October 2026

Author: Director Legal & Monitoring Officer

Report number: AB87

Contact officer: Maggie Camp, Director Legal & Monitoring Officer  
[Maggie.camp@eastcambs.gov.uk](mailto:Maggie.camp@eastcambs.gov.uk), 01353 665555, Room 112A, The Grange, Ely.

**Issue**

1. To review the proposed amendments.

**Recommendations**

2. Members are recommended to approve the proposed amendment to the Constitution as set out in paragraph 3.

**Background/Options**

3. Due to operational changes, it is necessary to amend the Terms of Reference for the Operational Services Committee to include an additional service - Spatial and Address Management Service.
4. Council approval is required as the changes do not fall within the remit of the Monitoring Officer as detailed in Article 11.02 (a) of the Council's Constitution.

**Additional Implications Assessment**

5.

|                                               |                                             |                                                       |
|-----------------------------------------------|---------------------------------------------|-------------------------------------------------------|
| <b>Financial Implications</b><br>No           | <b>Legal Implications</b><br>No             | <b>Human Resources (HR) Implications</b><br>No        |
| <b>Equality Impact Assessment (EIA)</b><br>No | <b>Carbon Impact Assessment (CIA)</b><br>No | <b>Data Protection Impact Assessment (DPIA)</b><br>No |

**Appendices**

None.

**Background documents**

None.



## **Parks & Open Spaces and Ely Markets Service Delivery Model**

Committee: Council

Date: 15 October 2026

Author: Chief Executive

Report number: AB88

Contact officer: Emma Grima, Chief Executive

[Emma.grima@eastcambs.gov.uk](mailto:Emma.grima@eastcambs.gov.uk), 01353 665555, The Grange, Ely

### **Issue**

1. To consider the future service delivery model for Parks (Grounds Maintenance) & Open Spaces and Ely Markets.

### **Recommendations**

2. Members are requested to:
  - 2.1 Approve a 10-year contract, including a licence to occupy the Depot, Littleport, to ECSS for the delivery of Parks & Open Spaces (Grounds Maintenance) Service commencing on 1 April 2027;
  - 2.2 Approve a 10-year contract to ECSS for the delivery of Ely Markets Service commencing on 1 April 2027;
  - 2.3 Approve a 10-year lease to ECSS for Ely Market Place with year 1 cost of £39,000 (increasing annually with RPI);
  - 2.4 Approve changes to the ECSS Shareholder Agreement (with effect from 1 April 2027) as set out in Appendix 1,
  - 2.5 Approve changes to the ECTC Shareholder Agreement (with effect from 1 April 2027) as set out in Appendix 2, and
  - 2.6 Authorise the Director Legal & Monitoring Officer to complete the legal documentation to implement the decisions of 2.1 to 2.6 above.

### **Background/Options**

3. Parks & Open Spaces (Grounds Maintenance) and Ely Markets services are currently managed by East Cambs Trading Company (ECTC). Council approved this arrangement in 2016 (Ely Markets) and 2017 (Parks & Open Spaces). Both contracts expire on 31 March 2027.
4. In 2017, Council approved a lease to ECTC for Ely Market Place. At the time, the lease was for £30,000, increasing in line with the terms of the lease. The lease cost for 2026/27 is £38,049. The lease expires on 31 March 2027.
5. The Council was able to directly award contracts to ECTC as at the time of award ECTC was a teckal company. ECTC is no longer a teckal company.

6. A Teckal company is a separate corporate entity controlled by a public authority that can be awarded public contracts without going through a competitive tender process.]

### **Parks & Open Spaces (Grounds Maintenance)**

7. In 2017, the value of the contract was £699,548, increasing with inflation. Over the years, ECTC has increased the number of sites that it maintains on behalf of the Council and has not increased the management fee that was agreed in 2017 (with the exception of inflationary increases). ECTC provided a £100,000 discount on the management fee for each of the years 2020/21, 2021/22 and 2022/23. This represented an overall saving to the Council of £300,000.
8. ECTC has been able to include additional sites and offer a discount because it has been able to generate income and profit from other organisations and has used the profits to invest in the service and offer discounts on the management fee to the Council where appropriate. In 2025/26 ECTC generated 33% of its income from other organisations.

The value of the contract in 2026/27 is £1,079,452.

### **Ely Markets**

9. There is no cost to the Council for Ely Markets. It does not pay a set management fee to ECTC. The Council collects the income from the operation of the markets, and this is then paid to ECTC.
10. Since 2016, Ely Markets has increased its revenue by 59%. Ely Markets has provided a vibrant market that has generated millions of pounds of spend into the local economy.
11. Ely Markets also provides another direct financial benefit to the Council by leasing Ely Market Place at a cost of £30,000 per annum (increasing annually in accordance with the lease). This is income that the Council would not be able to achieve if it directly managed the service in-house. In 2026/27 the cost of the lease is £38,049.
12. In 2016 Ely /Markets employed 3 part-time core staff. In 2025, Ely Markets employs 2 full-time and 3 part-time core staff and utilises several casual staff, ranging from wrecking crew to stewards (that assist with event management and safety on special market days, e.g. Foodie Fridays). Investment has also been made to ensure the improvement and sustainability of the service. All of this has been achieved at no cost to the Council.
13. Financial returns aside, Ely Markets can celebrate many successes (not exhaustive): Vegan Fair; Festive Lates; Mini Markets; Foodie Fridays; Prince of Wales Visit; NABMA Award Winner; Queen's Jubilee Weekend; Christmas Markets; and Environmental Campaign #Bring Your Own.
14. These successes increase city centre footfall, provide choice for the community, facilitate small businesses (providing a launch-pad which sometimes leads to established business in the city centre and beyond) and provide a more sustainable and environmentally responsible offer to the community.

15. Council must now consider the options and decide the future service delivery model for both Parks & Open Spaces (Grounds Maintenance) and Ely Markets. There are 4 options for the Council to consider:

- i) Status quo- direct award to ECTC;
- ii) Award a contract to East Cambs Street Scene (ECSS);
- iii) Bring the service back in-house; or
- iv) Competitive tender.

16. The table below provides a summary of the options, considers the implications and gives an opinion on the recommendation.

| Option                          | Recommendation  | Reason                                                                                                                                                                                 |
|---------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Direct award to ECTC            | Not recommended | ECTC is not a teckal company, and therefore there is a risk of challenge from other external service providers.                                                                        |
| Direct award to ECSS            | Recommended     | ECSS is a teckal company, and therefore the Council can directly award a contract to ECSS to deliver the services.                                                                     |
| Bring the service back in-house | Not recommended | This option has cost implications for the Council.                                                                                                                                     |
| Competitive tender              | Not recommended | This option would comply with the Procurement Act 2023. If ECTC is not successful in its bid, the Council would not have the benefit of arm's-length control that it currently enjoys. |

### **Option 1- Direct award to ECTC**

17. ECTC is not a Teckal company and for this reason the Council cannot rely on the exemption that allows the Council to directly award the contract to ECTC without going through a tender process.

18. The Chief Executive has considered the other exemptions in the Procurement Act 2023: urgency (need to demonstrate that this was strictly necessary for reasons of extreme and unavoidable urgency); only one supplier capable (need to demonstrate that there are no other service providers); or additional or repeat goods, services or works (need to demonstrate that another provider would provide incompatible services or disproportionate technical difficulties).

19. The Council cannot apply these exemptions. That said, the Council could still decide to directly award a contract to ECTC; however, it must consider the risk of challenge associated with such a decision.

20. There could be a risk of challenge by a competitive supplier. Any economic operator that could have bid for the contracts could challenge the direct award. There would be several competitors for both services. A challenger could seek: an automatic suspension of the award; an order setting aside the contracts; and/or financial remedies.
21. If this option is chosen the Council would be required to publish a notice on its website of its intention to make a direct award (this is known as a Transparency Notice) before the contract is made, and a Contract Award Notice afterwards. This may prompt a challenge. A standstill period (8 days) could reduce, but not eliminate, the risk of challenge.
22. The Council could mitigate its risk by producing a detailed written justification of why a competitive process is inappropriate. Additionally, the Council could publish the Transparency Notice and monitor the challenge. The risk reduces after the 8-day standstill period, but the risk does not disappear.
23. There is an alternative option through the Council's other wholly owned trading company ECSS that does not carry the risk described above. For this reason, whilst there is justification, a direct award to ECTC is not recommended.

## **Option 2- Direct award to ECSS**

24. This option complies with the Procurement Act 2023. ECSS is a teckal company. The Council would be entitled to award contracts to ECSS directly under the vertical arrangement exemption in the Procurement Act 2023. ECSS is allowed to generate 20% of its income from other commercial contracts. The table below demonstrates that the ECSS would be comfortably within these limitations.

|                               | <b>2026/27</b>    |
|-------------------------------|-------------------|
| ECSS                          | 5,953,162         |
| Parks                         | 1,079,452         |
| Markets                       | 350,349           |
| <b>Total Income from ECDC</b> | <b>£7,382,963</b> |
| External Parks income         | 511,888           |
| <b>Total income</b>           | <b>7,984,851</b>  |
| % External                    | 6.48%             |

25. This is the recommended option, and the practical implications of this option are explored further below.
26. Note: Consideration has been given as to whether the Council could do a direct award to ECSS and then ECSS assign the contract to ECTC. This would present the same challenges as Option 1 above and therefore is not considered further.

### **Option 3- Bring the services in-house**

27. This option complies with the Procurement Act 2023. The Council would need to consider the financial implications of making such a decision. The implications include:

- Loss of income on the lease of Ely Market Place;
- Loss of income from the licence at The Depot, Littleport;
- Loss of income from the rental of vehicles;
- Loss of income from office accommodation at The Grange, Ely;
- Loss of income from service charges (payroll, HR, finance, IT);
- Business rates liability (The Depot, Littleport and Ely Market Place); and
- Additional pension liability arising from TUPE of staff.

28. The total cost burden is an estimated £350,000 for 2027/28. For this reason, this option is not recommended.

### **Option 4- Competitive tender**

29. This option complies with the Procurement Act 2023. The Council would need to consider the following (not exhaustive):

- Producing a comprehensive specification that deals with the challenges of changing seasons;
- There is no guarantee that a competitive process would result in a more efficient or cost-effective service being offered by another provider;
- The level of flexibility, influence and control (through the annual business plan and shareholder agreement) the Council enjoys through a wholly owned company;
- General inflation levels and the cost of fuel are currently higher than they have been in previous years. It is likely these costs would be built into the contract; and
- The cost of undertaking a procurement process could be between £30,000 and £40,000.

### **Practical implications of Option 2 (Recommended Option)**

30. The implications for the Council (not exhaustive):

- Approve minor amendments to the Shareholder Agreements for both ECTC and ECSS (Appendix 1 and 2);

- Approve a new 10-year contract to ECSS for the delivery of Parks & Open Spaces (Grounds Maintenance) and Ely Markets Services;
- Approve a new 10-year lease to ECSS for Market Place, Ely;
- Approve a new 10-year licence to occupy to ECSS for The Depot, Littleport; and
- Change the apportionment of support charges and vehicle hire costs between ECTC and ECSS (there will be no loss to the Council).

[Note: No changes are required to the Articles of Association for either ECTC or ECSS].

31. The implications for ECTC include (not exhaustive):

- Consideration of the best way to deal with grounds maintenance contracts for non-council contracts (whether to novate or sub-contract);
- TUPE transfer of staff to ECSS;
- Approve changes to the Shareholder Agreement;
- No longer required to hold a DVSA Operator's Licence; and
- Incorporate changes to the Business plan for 2027/28 and beyond.

32. The ECTC Finance Manager has confirmed that there will be no negative impact on the financial sustainability of the company. ECTC will continue to be able to meet its liabilities when they fall due, including repayment of its loan from the Council.

33. The implications for ECSS (not exhaustive):

- TUPE transfer of staff from ECTC;
- Changes to branding on livery and staff uniforms;
- If relevant, inter-company agreement for grounds maintenance between ECTC and ECSS (depending on decisions taken by ECTC);
- Approve changes to the ECSS Shareholder Agreement;
- Approve new contracts with the Council to deliver Parks & Open Spaces (Grounds Maintenance) and Ely Markets including a licence to occupy at The Depot, Littleport and lease of Ely Market Place;
- Changes to the DVSA Operator's Licence; and
- Incorporate changes to the Business Plan for 2027/28 and beyond.

## **Arguments/Conclusions**

34. The Council has benefited from delivering the services through a wholly owned company, and these can continue, albeit in a different wholly owned company.
35. If approved, the Council's wholly owned companies would have better alignment. ECTC would solely trade as a property development company with associated property services, and ECSS would be a service delivery company.
36. The recommendation is to award 10-year contracts for Parks and Open Spaces (Grounds Maintenance) and Ely Markets to ECSS from 1 April 2027, together with the associated lease and licence arrangements. This option provides a legally compliant route under the Procurement Act 2023, retains the benefits of wholly owned company delivery and avoids the estimated additional cost of bringing the services in-house. It also maintains Council influence (through approval of the annual business plan) and operational flexibility while providing long-term certainty for service planning, investment and staff.
37. Subject to the approval of the recommendations and completion of the required legal and governance documentation, the transfer arrangements will be prepared in advance of the existing contracts ending on 31 March 2027 to facilitate implementation on 1 April 2027.
38. The Ely Markets contract award has no financial implications to the Council.
39. The Parks & Open Spaces (Grounds Maintenance) contract in Year 1 will be £1,079,452 + the relevant inflationary figure and will subsequently increase with inflation in future years. The 2027/28 (Year 1) will be agreed by Council in February 2027 as part of the normal budget setting process.

## Additional Implications Assessment

|                                                                                                                 |                                                                                                               |                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Financial Implications</b><br>Discussed in the body of the report                                            | <b>Legal Implications</b><br>Discussed in the body of the report                                              | <b>Human Resources (HR) Implications</b><br>Yes- changes to secondment agreements for affected staff.                                                                                                                                                                                              |
| <b>Equality Impact Assessment (EIA)</b><br>Not required as there are no proposed changes to the actual service. | <b>Carbon Impact Assessment (CIA)</b><br>Not required as there are no proposed changes to the actual service. | <b>Data Protection Impact Assessment (DPIA)</b><br>ECTC, ECSS and ECDC will need to consider this in relation to HR matters if Option 2 is approved. ECTC, ECSS and ECDC will need to assess this and ensure data is safely novated. If relevant, data sharing agreements will need to be amended. |

## **Appendices**

Appendix 1- ECSS draft Shareholder Agreement.

Appendix 2- ECTC draft Shareholder Agreement.

## **Background documents**

Operations and Management Contract- Ely Markets

Operations and Management Contract- Grounds Maintenance

Dated

2027<sup>5</sup>

**EAST CAMBRIDGESHIRE DISTRICT COUNCIL**

and

**EAST CAMBS STREET SCENE LIMITED**

**Shareholders' Agreement relating to**

**EAST CAMBS STREET SCENE LIMITED**

|    |                                    |                      |
|----|------------------------------------|----------------------|
| 1  | Interpretation and definitions     | 1                    |
| 2  | The business of the Company        | 3                    |
| 3  | Conduct of the Company's affairs   | 3                    |
| 4  | The Board of Directors             | 5                    |
| 5  | Shareholder Committee              | <a href="#">65</a>   |
| 6  | Reserved Matters                   | 6                    |
| 7  | Production of accounts and reports | 8                    |
| 8  | Anti-corruption                    | 8                    |
| 9  | No fetter                          | 9                    |
| 10 | Duration and termination           | 9                    |
| 11 | Confidentiality                    | 9                    |
| 12 | General                            | <a href="#">1244</a> |
| 13 | Assignment                         | 13                   |
| 14 | No partnership or agency           | 13                   |
| 15 | Notices                            | 13                   |
| 16 | Counterparts                       | 14                   |
| 17 | Applicable law                     | 14                   |

# Shareholders' agreement

Dated

202~~7~~<sup>3</sup>

## 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 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 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 the Council's Operational Services Committee operating 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, parks & open space service and Ely Markets service 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 advance of the coming financial year and invite the Shareholder Committee to provide comments on and approve the Business Plan. 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 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~~the Procurement Act 2023.
- 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.
- 3.10 The Company will comply with the Seven Principles of Public Life (also known as the Nolan Principles). For the avoidance of doubt the Seven Principles of Public Life are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 3.11 Where the Company enters into formal secondment agreements with Council employees, those employees are not permitted to make decisions on behalf of the Council except for those permitted by the Council.
- 3.12 The Company shall grant a right of access of information to the Council's Internal Auditors provided always that any information provided is held in confidence.
- 4 **The Board of Directors**
- 4.1 The Board of Directors shall consist of not less than 3 Directors.
- 4.2 Board Meetings shall be held no less than 4 times per annum. 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
- 4.4 The Deputy Leader of Council and the Chairman or Vice Chairman of Operational Services Committee are appointed as Observers to the Board.
- 4.5 The purpose of an observer is to add value to discussions, i.e. bring additional knowledge to the debate, at board meetings and provide reassurance to the shareholder, i.e. the Council, that the Board of Directors is meeting its obligations to the company and the shareholder.
- 4.6 Rights of the Observers
  - 4.6.1 The Board of Directors shall notify the Observers of when meetings will be held;
  - 4.6.2 The Observers may contribute to discussions at Board Meetings;
  - 4.6.3 The Observers are not entitled to vote on any decision contemplated by the Board of Directors;
  - 4.6.4 The attendance of Observers is not counted towards a quorum;
  - 4.6.5 Observers will have access to board papers and minutes and must comply with confidentiality rules of the company; and
  - 4.6.6 Observers cannot participate on matters where there is a direct conflict of interest related to their personal business.

## **5 Shareholder Committee**

The Council's Operational Services Committee will act as the Shareholder Committee. The Shareholder Committee shall act in accordance with its terms of reference.

5.1 The Shareholder Committee shall have powers to make decisions in accordance with its terms of reference. 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, review, comment on and approve the Business Plan;

5.1.3 receive the Quarterly Management Accounts 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 A Shareholder Committee Meeting shall be held no less than two times per annum.

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

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

(ii) The Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place.

5.4 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 In addition to the Shareholder Committee, the Company will host an annual all Council Member Shareholder Seminar.

5.8 The Company will supply all Members of the Council 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). 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.

5.9 The Managing Director and Chairman of the Board shall be required to attend the Shareholder Committee where the Annual Business Plan is to be approved. The Managing Director shall be required to attend any Shareholder Committee meeting where there is a matter for decision relating to the Company on the Agenda. All other meetings shall be attended by personnel authorised by the Board of Directors as necessary.

## **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 re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
  - 6.1.6 applying for the listing or trading of any shares or debt securities on any stock exchange or market;
  - 6.1.7 forming any Subsidiary Undertaking or acquiring shares in any other company or participating in a joint venture (incorporated or not);
  - 6.1.8 amalgamating or merging with any other company or business undertaking; or
  - 6.1.9 passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
  - 6.1.10 changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
  - 6.1.11 appointing or removing any Director;
  - 6.1.12 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;
  - 6.1.13 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
  - 6.1.14 the entry into any service contract, terms of appointment or other agreement with a Director;
  - 6.1.15 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;
  - 6.1.16 establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors;

- 6.1.17 making any bonus payment to any director;
  - 6.1.18 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);
  - 6.1.19 changing its name or its registered office; or
  - 6.1.20 replacing or modifying the Business Plan;
  - 6.1.21 entering into an agreement to do any of the foregoing.
- 6.2 The Council is permitted to delegate (subject to its own formal approval process) any of the functions detailed in 6.1.1-6.1.21 to the Operational Services Committee, acting as the Shareholder Committee

## 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.
- 7.5 The Company shall provide an Annual Governance Statement to the Shareholder and this shall be supplied at the same time as the information required in clause 7.2. The Annual Governance Statement shall include the key risks for the Company in the forthcoming year and set out the process for escalating the risks to the Council where these affect the Council as the Shareholder.

## 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 [8.28-2](#) 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 function 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 [15.245.2](#) of the party due to receive it and marked for the attention of the person named in clause [15.245.2](#) (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 ~~15.145.4~~ 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 ~~15.245.2~~ 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 ~~15.245.2~~.

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: - )

Director Legal Services/~~Chief Executive~~

EXECUTED AS A DEED by East Cambs Street Scene )  
Limited in the presence of: )

Director

Director/Secretary



Dated

~~2025~~2027

**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

~~2019~~ 2027

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 14<sup>th</sup> 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 the Council's Finance and Assets Committee operating 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, property development 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 annually in advance of the coming financial year and invite the Shareholder Committee to provide comments and approve the Business Plan. 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 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~~the Procurement Act 2023.
- 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 will comply with the Seven Principles of Public Life (also known as the Nolan Principles). For the avoidance of doubt the Seven Principles of Public Life are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 3.9 The Company shall grant a right of access of information to the Council's Internal Auditors provided always that any information provided is held in confidence.

#### **4 The Board of Directors and The Board Observers**

- 4.1 The Board of Directors shall consist of not less than 3 Directors.
- 4.2 Board Meetings shall be held no less than 4 times per annum. 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

- 4.4 The Leader of Council and the Chairman of Finance & Assets Committee are appointed as Observers to the Board.
- 4.5 The purpose of an observer is to add value to discussions, i.e. bring additional knowledge to the debate, at board meetings and provide reassurance to the shareholder, i.e. the Council, that the Board of Directors is meeting its obligations to the company and the shareholder
- 4.6 Rights of the Observers
- 4.6.1 The Board of Directors shall notify the Observers of when meetings will be held;
- 4.6.2 The Observers may contribute to discussions at Board Meetings;
- 4.6.3 The Observers are not entitled to vote on any decision contemplated by the Board of Directors;
- 4.6.4 The attendance of Observers is not counted towards a quorum;
- 4.6.5 Observers will have access to board papers and minutes and must comply with confidentiality rules of the company; and
- 4.6.6 Observers cannot participate on matters where there is a direct conflict of interest related to their personal business

## 5 **Shareholder Committee**

- 5.1 The Council's Finance and Assets Committee will act as the Shareholder Committee. The Shareholder Committee shall act in accordance with its terms of reference.
- 5.2 The Shareholder Committee shall have powers to make decisions in accordance with its terms of reference. The purpose of the Shareholder Committee shall be to:
- 5.2.1 recommend, where relevant, the appointment of the Chairman of the Board and approve best practice policies in relation to such an appointment;
- 5.2.2 receive, review, comment on and approve the Business Plan;
- 5.2.3 approve the Company entering into any joint venture;
- 5.2.4 approve the borrowing of any external monies (other than from the Cambridgeshire and Peterborough Combined Authority)
- 5.2.5 receive the Quarterly Management Accounts of the Company; and
- 5.2.6 make recommendations to the Council on how it should exercise the functions flowing from its ownership of Shares.
- 5.3 A Shareholder Committee Meeting shall be held no less than two times per annum.

- 5.4 The Chairman of the Shareholder Committee may call an extraordinary committee:
- (i) On giving not less than 6 Business Days' notice; and
  - (ii) The Chairman and Managing Director will be required to attend. If they are unable to attend, a Board Director will attend in their place.
- 5.5 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 In addition to the Shareholder Committee, the Company will host an annual all Council Member Shareholder Seminar.
- 5.8 The Company will supply all Members of the Council 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). 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.
- 5.9 The Managing Director and Chairman of the Board shall be required to attend the Shareholder Committee where the Annual Business Plan is to be approved. The Managing Director shall be required to attend any Shareholder Committee meeting where there is a matter for decision relating to the Company on the Agenda. All other meetings shall be attended by personnel authorised by the Board of Directors as necessary.

## **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 re-registering the Company as a public limited company, or as any entity other than a company limited by shares;
  - 6.1.6 applying for the listing or trading of any shares or debt securities on any stock exchange or market;
  - 6.1.7 forming any Subsidiary Undertaking except for a Resident Management Company or acquiring shares in any other company or participating in a joint venture (incorporated or not);
  - 6.1.8 amalgamating or merging with any other company or business undertaking; or
  - 6.1.9 passing any resolution for its winding up or presenting any petition for its administration, unless it has become insolvent;
  - 6.1.10 changing the nature of the Business or commencing any new business which is not ancillary or incidental to the Business;
  - 6.1.11 appointing or removing any Director;
  - 6.1.12 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;
  - 6.1.13 agreeing to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any Director;
  - 6.1.14 the entry into any service contract, terms of appointment or other agreement with a Director;
  - 6.1.15 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;
  - 6.1.16 establishing or amending any profit-sharing, share option, bonus or other incentive scheme of any nature for directors;
  - 6.1.17 making any bonus payment to any director;
  - 6.1.18 borrowing any monies which require a guarantee or security from the Council (other than normal trade credit);
  - 6.1.19 changing its name or its registered office; or
  - 6.1.20 replacing or modifying the Business Plan;
  - 6.1.21 entering into an agreement to do any of the foregoing.
- 6.2 The Council is permitted to delegate (subject to its own formal approval process) any of the functions detailed in 6.1.1-6.1.21 to the Finance & Assets Committee, acting as the Shareholder Committee

## 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.
- 7.5 The Company shall provide an Annual Governance Statement to the Shareholder and this shall be supplied at the same time as the information required in clause 7.2. The Annual Governance Statement shall include the key risks for the Company in the forthcoming year and set out the process for escalating the risks to the Council where these affect the Council as the Shareholder.

## 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 [8.28-2](#) 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.

Format

## 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~~<sup>11.341.3</sup>, 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 function 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 [15.245-2](#) of the party due to receive it and marked for the attention of the person named in clause [15.245-2](#) (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 [15.145-4](#) 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 [15.245-2](#) 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 [15.245-2](#).

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





**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

**PAUL BRISTOW** MAYOR  
OF CAMBRIDGESHIRE  
& PETERBOROUGH

## Reports from Constituent Council Representatives on the Combined Authority

The following meetings have taken place in July 2026

**Combined Authority Board**, 15 July 2026

Councillor Alan Sharp

Decision Summary Link: [Combined Authority Board \(July\)](#)



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

**PAUL BRISTOW** MAYOR  
OF CAMBRIDGESHIRE  
& PETERBOROUGH

## **Reports from Constituent Council Representatives on the Combined Authority**

The following meetings have taken place in August 2026

**Funding Committee**, 3 August 2026

Councillor Keith Horgan

Decision Summary Link: [Funding Committee \(August\)](#)



**CAMBRIDGESHIRE  
& PETERBOROUGH**  
COMBINED AUTHORITY

**PAUL BRISTOW** MAYOR  
OF CAMBRIDGESHIRE  
& PETERBOROUGH

## **Reports from Constituent Council Representatives on the Combined Authority**

The following meetings have taken place in September 2026

### **Funding Committee, 7 September 2026**

Councillor Keith Horgan

Decision Summary Link: [Funding Committee \(September\)](#)

### **Overview and Scrutiny Committee, 8 September 2026**

Councillors Lucius Vellacott and Christine Whelan

Decision Summary Link: [Overview and Scrutiny Committee \(September\)](#)

### **Transport Committee, 9 September 2026**

Councillor Alan Sharp

Decision Summary Link: [Transport Committee \(September\)](#)

### **Audit and Governance Committee, 10 September 2026**

Councillor Mark Inskip

Decision Summary Link: [Audit and Governance Committee \(September\)](#)

### **Skills Committee, 14 September 2026**

No Councillor present

Decision Summary Link: [Skills Committee \(September\)](#)

### **Growth Committee, 15 September 2026**

Councillor Martin Goodearl

Decision Summary Link: [Growth Committee \(September\)](#)

### **Combined Authority Board, 23 September 2026**

Councillor Anna Bailey

Decision Summary Link: [CA Board \(September\)](#)

