



East Cambridgeshire District Council

Meeting: Finance & Assets Committee

Time: 4:30pm

Date: Thursday 28 March 2024

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

Enquiries regarding this agenda: Tracy Couper

Telephone: (01353) 665555

Email: tracy.couper@eastcambs.gov.uk

Committee membership

Quorum: 5 members

Conservative members

Cllr Ian Bovingdon (Vice-Chairman)
Cllr Mark Goldsack
Cllr Bill Hunt
Cllr James Lay
Cllr David Miller
Cllr Alan Sharp (Chairman)

Conservative substitutes

Cllr Anna Bailey
Cllr Martin Goodearl
Cllr Julia Huffer

Liberal Democrat members

Cllr Lorna Dupré
Cllr Caroline Shepherd
Cllr John Trapp
Cllr Alison Whelan (Lead Member)

Liberal Democrat substitutes

Cllr Christine Colbert
Cllr Kathrin Holtzmann
Cllr Mark Inskip

Vacancy

Lead Officer: Sally Bonnett, Director Community

AGENDA

- 1. Public question time** [oral]
The meeting will commence with up to 15 minutes of public question time
- 2. Apologies and substitutions** [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

To confirm as a correct record the minutes of the meeting of the Finance & Assets Committee held on 25 January 2024

5. Chairman's announcements

6. ECTC Annual Business Plan 2024/25

7. End of year reports 2023/24 & Service Delivery Plans 2024/25

Due to the size of the documents, the end of year reports and Service Delivery Plans have been circulated separately to Councillors. Copies are available on the Council's website www.eastcambs.gov.uk or from Democratic Services

8. Local Plan Climate Change and Nature Recovery Chapter: update

9. Draft Hedgehog Recovery Design Guidance

10. Asset Management Plan 2024/25 & Assets update

11. Whistle Blowing Policy

12. Annual Review of RIPA policies

13. Community Land Trust - pre-development grant application

14. Bus, Cycle, Walk Working Party

To receive the Notes of the Working Party meeting held on 26 February 2024

15. Forward Agenda Plan

Exclusion of the Public including representatives of the Press

That the Press and Public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of Exempt information of categories 1, 2, 3 and 4 of Part I Schedule 12A to the Local Government Act 1972 (as amended)

16. ECTC Annual Business Plan 2024/25 – Exempt Appendix

17. ECTC Management Accounts

18. Outstanding CIL payment

19. Write-off of unrecoverable debts

20. ECTC Board Minutes

To receive the Minutes of the ECTC Board meetings held on 5 December 2023 and 8 February 2024

21. Exempt Minutes – 25 January 2024

Notes

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal working hours you should report to the main reception desk. If you come to an evening meeting please enter via the door in the glass atrium at the back of the building.

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 or 01353 665555) of their intention to attend a meeting.

The livestream of this meeting will be available on [the committee meeting’s webpage \(https://www.eastcambs.gov.uk/meetings/finance-assets-committee-280324\)](https://www.eastcambs.gov.uk/meetings/finance-assets-committee-280324) Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. Public Questions/Statements are welcomed on any topic related to the Committee’s functions as long as there is no suspicion that it is improper (for example, 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](http://www.eastcambs.gov.uk/committees/public-question-time-scheme)
(www.eastcambs.gov.uk/committees/public-question-time-scheme).

3. 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 in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.

4. Fire instructions for meetings:

- if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
- the fire assembly point is in the front staff car park by the exit barrier
- the building has an auto-call system to the fire services so there is no need for anyone to call the fire services

The Committee Officer will sweep the area to ensure that everyone is out.

5. Reports are attached for each agenda item unless marked “oral”.
6. If required, all items on the agenda can be provided in different formats (such as 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
7. 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).”



Minutes of a Meeting of the Finance & Assets Committee
Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 4:30pm on
Thursday 25th January 2024

Present:

Cllr Anna Bailey (substitute for Cllr James Lay)
Cllr Christine Colbert (substitute for Cllr Robert Pitt)
Cllr Lorna Dupré
Cllr Mark Goldsack
Cllr Martin Goodearl (substitute for Cllr Ian Bovingdon)
Cllr Bill Hunt
Cllr Mark Inskip (substitute for Cllr Caroline Shepherd)
Cllr David Miller
Cllr Alan Sharp (Chairman)
Cllr John Trapp
Cllr Alison Whelan

Officers:

Sally Bonnett – Director Community
Maggie Camp – Director Legal Services & Monitoring Officer
Ian Smith – Director Finance
Isabel Edgar – Director Operations
Spencer Clark – Open Spaces & Facilities Manager
Kieran Carr – Economic Development Officer
Nicole Pema – HR Manager
Tracy Couper – Democratic Services Manager & Deputy Monitoring Officer
Jane Webb – Senior Democratic Services Officer

In attendance:

Angela Briggs – Community Infrastructure Manager

6 members of the public

63. Public Question Time

A statement was read out by Councillor Andrew Prevett Chairman of Stretham Parish Council, a copy of which is attached at Appendix 1 to these Minutes, relating to the Growth and Infrastructure Fund (GIF) application for The Link Community and GP Surgery Facilities by Stretham and Wilburton CLT detailed in Agenda item 11.

In connection with the statement, Councillor Prevett emphasised that no match funding for the project had been considered or committed by the Parish Council.

Councillor Prevett questioned the extent of local support for the project, as he had been unable to see the letters of support referred to in the application and no consultation had been carried out of residents of the village. Councillor Prevett stated that the Parish Council supported the provision of a GP Surgery for the village, as required by the S106 obligation on Stretham and Wilburton CLT, but the addition of other community facilities had confused the matter.

The Director Community responded by apologising for the typographical error in the Minutes of the GIF Scoring Panel at Agenda item 11 and clarifying that the £340K match funding for the application was from Stretham and Wilburton CLT and not the Parish Council. This was clearly stated in the application and the Panel had scored the application on that basis.

The Chairman thanked Councillor Prevett for his statement on behalf of the Parish Council and stated that Members would take this into consideration in conjunction with Agenda item 11.

64. Apologies and substitutions

Apologies for absence and substitutions were received as follows:

Councillor Ian Bovingdon - Cllr Martin Goodearl substituting.
Councillor James Lay – Cllr Anna Bailey substituting.
Councillor Robert Pitt – Cllr Christine Colbert substituting.
Councillor Caroline Shepherd - Cllr Mark Inskip substituting.

65. Declarations of interest

No declarations of interest were made.

66. Minutes

The Committee received the Minutes of the meeting held on 23 November 2023.

A question relating to this item had been provided prior to the meeting from a Member and this, along with the answer provided by officers, was set out in Appendix 2 to these minutes.

It was resolved unanimously:

That the Minutes of the Finance & Assets Committee meeting held on 23 November 2023 be confirmed as a correct record and be signed by the Chairman.

67. Chairman's announcements

The Chair acknowledged the invaluable contribution made by Emma Grima serving as Lead Officer to the F&A Committee for the past ten years and thanked her for all her hard work. He also welcomed the Director Community,

Sally Bonnett, as the new Lead Officer for the Committee and expressed his assurance that she would do an equally good job.

68. 2024/25 Annual Treasury Management Strategy, Minimum Revenue Provision Policy Statement and Annual Investment Strategy

The Committee considered a report, Y114 previously circulated, that detailed the 2024/25 Treasury Management Strategy, the Annual Investment Strategy and the Minimum Revenue Provision Policy Statement.

A question relating to this item had been provided prior to the meeting from a Member and this, along with the answer provided by officers, was set out in Appendix 2 to these minutes.

Councillor Inskip arrived at 4.47pm

Members commended the fact that the Council had no external borrowing.

It was resolved unanimously to RECOMMEND TO FULL COUNCIL:

That approval be given to:

- 1. The 2024/25 Treasury Management Strategy**
- 2. The Annual Investment Strategy**
- 3. The Minimum Revenue Provision Policy Statement**
- 4. The Prudential and Treasury Indicators**

It was further resolved:

That the Director Finance be authorised to amend the Strategy between Committee and Council to build into it any changes required to reflect the decision made at this Committee with regard to the Bereavement Centre project.

69. Revenue Budget, Capital Strategy and Council Tax 2024/25

The Committee considered a report, Y115 previously circulated, detailing the Council's proposed revenue budget, capital strategy, and the required level of Council Tax in 2024/25.

The recommendations in the report were moved by Councillor Bailey and seconded by Councillor Goodearl.

In introducing the paper, the Director Finance highlighted a number of areas where further information had come to light since this report was published or would become available before Council. He stated that he would include these in the Council report.

Speaking in support of the Budget, Councillor Bailey highlighted the announcement, the previous day, that Government would be providing

additional Rural Services Delivery Grant and thanked the Director of Finance for his efforts, as part of a LGA Special Interest Group, in lobbying Central Government for additional grant to assist with the costs of Internal Drainage Boards. She referred to the fact that the Council was proposing a Council Tax freeze for its residents for an 11th year and still had a balanced Budget for the next 2 years. In addition, there were no built-in efficiency targets and the Council budgeted for a full staffing establishment. However, the Council had a track record for prudence and making savings.

Councillor Bailey also drew Members attention to the following items built into the Budget:

- Environmental improvements
- New refuse and street cleansing fleet
- Additional Waste Disposal costs
- Purchase of new wheeled bins as consequence of Government Waste Strategy
- Drafting of new Local Plan
- Upgrade to Council website

Another Member highlighted the measures taken to make East Cambridgeshire a welcoming place to visitors such as:

- Free parking
- Free moorings
- Excellent public conveniences
- inviting and varied markets

It was resolved to RECOMMEND TO FULL COUNCIL:

That approval be given to:

- 1. The draft revenue budget for 2024/25 and MTFs for 2025/26 to 2027/28, as set out in Appendix 1 of the report.**
- 2. The Statement of Reserves, as set out in Appendix 2 of the report.**
- 3. The Capital Strategy and financing, as set out in Appendix 3 of the report.**
- 4. The 2024/25 Fees and Charges, as set out in Appendix 4 of the report.**
- 5. The extension of the Retail, Hospitality and Leisure 75% Business Rate relief (and potentially other reliefs) (which will be fully funded by the Government through Section 31) as detailed in Sections 6.5 to 6.7 of the submitted report.**

It was further resolved:

That the Director, Finance, in consultation with the Chairman of the Finance & Assets Committee be authorised to adjust the use of the Surplus Savings Reserve in 2024/25 and future years (as available), to ensure that the net budget and Council Tax as detailed in 2.1 of the report remain unchanged (in the event of changes arising, principally in relation to the decision of Committee to recommend / not recommend the construction of the Crematorium to Full Council, the Final Local Government Settlement and / or the NNDR1 return). These adjustments to be made in advance of the report being presented to full Council on the 20 February 2024.

70. Finance Report

The Committee received a report, Y116 previously circulated, containing budget information for services within the remit of Finance & Assets Committee and then, as part of its corporate remit, for the Council as a whole.

A Member queried the reasons for the Business Rate relief for The Grange and the Director Finance agreed to provide a written response to Members of the Committee. The Member also commented that the Council should take measures to maximise any benefits resulting from the completion of solar farms within the District.

It was resolved:

That the following be noted:

- That the Finance & Assets Committee has a projected yearend underspend of £1,187,500 when compared to its approved revenue budget of £6,030,783.
- That overall the Council has a projected yearend underspend of £ 852,000 when compared to its approved revenue budget of £16,856,960.
- That the overall position for the Council on Capital is a projected outturn of £4,838,121, which is an underspend of £1,862,666 when compared to the revised budget.

71. Assets Update

The Committee considered a report, Y117 previously circulated, giving an update on Council owned assets.

The Open Spaces and Facilities Manager informed Members that the new nursery at 72/74 Market Street, Cathedral View Childcare, had opened and commended the quality of the facilities provided largely at their own cost. In addition, the Changing Pod at Soham had been completed and was ready to use.

Two questions relating to this item had been provided prior to the meeting from a Member and these, along with answers provided by officers, were set out in Appendix 2 to these minutes.

Councillor Dupre arrived at 5.03pm

The Assets Champion, Councillor Hunt, and another Member commended these two excellent community facilities and commented that it demonstrated that the Council provided for residents of all ages.

It was resolved:

That the update on Council-owned assets and the Expenditure Tracking Sheet at Appendix 1 to the submitted report, be noted.

72. UK Shared Prosperity and Rural England Prosperity Business Grant Scheme

The Committee considered a report, Y118 previously circulated, detailing the Council's proposed UK Shared Prosperity and Rural England Prosperity Business Grant Scheme.

Kieran Carr, Economic Development Officer, reported that a total of £310,511 would be available via the two funding streams and the Economic Development Team had experience of successfully delivering similar grant schemes in the past.

In response to a question by a Member, it was confirmed that the grant funding would be awarded on a 'first come first served' basis. The Member then queried if an alternative approach could be considered, e.g. having a window of 2 weeks after the opening date before considering applications for funding. It was reported that there were advantages to a 'first come first served' approach to prevent delays in awarding funding and enabling projects to be progressed quickly. In addition, the fund would not be opened until 1 April, allowing businesses to prepare their applications in advance of this date. However, this could be discussed further by the relevant officers and the Chair of the Committee outside of this meeting. Members suggested that there should be extensive advance publicising of the Scheme.

It was resolved unanimously:

1. That the proposed grant funding arrangements for the scheme as detailed in Appendix 1 of the report be approved.
2. That the fund open on Monday 1 April 2024 and close no later than Friday 27 September 2024 at 23:59hrs.
3. That if the fund is fully utilised before the closing date, the Council reserves the right to close the fund to pending or new applications.

73. Growth and Infrastructure Fund Scoring Panel Recommendations

The Committee considered a report, Y119 previously circulated, detailing the recommendations from the Growth and Infrastructure Fund Scoring Panel.

The Director Community again highlighted the typographical error relating to the Stretham Wilburton CLT Link project application on page 3 of Appendix 1, referred to under Public Question Time, and reiterated that the £340K match funding for the application was from Stretham and Wilburton CLT and not the Parish Council. This was clearly stated in the application and the Panel had scored the application on that basis. The Director Community explained that there had been 18 letters of support referred to in the application and listed the local bodies that these had been received from. Those letters of support had been provided to the GIF Scoring Panel.

During detailed discussion of the Stretham Wilburton CLT Link project application, questions and comments were raised by Members as follows:

A Member queried the level of 'due diligence' undertaken on the application in the light of the comments made at this meeting and the fact that their research could not find any filed accounts for the CLT since 2021. The Director Community confirmed that, as detailed in paragraph 4.4 of the report, the following conditions would need to be met before the payment of any funding awarded -

Evidence being provided that:

- All necessary permissions are in place
- Match funding is secured
- Funding is only utilised for Capital elements
- Payment be made on receipt of invoices

Some Members questioned the validity of the letters of support on the grounds that they may have been written under a misconception about the project being solely for GP facilities and not the other community facilities proposed. Those Members expressed the view that this should be confirmed before the application was awarded funding. They also referred to the requirement for the CLT to provide a medical facility under the S106 Agreement.

However, other Members commented that it was clearly stated in The Link project application that it was about delivering both a GP surgery and other community facilities and that the letters of support recognised this. The application had been scored highly by the GIF Scoring Panel on that basis and no funding would be released until 'due diligence' had been undertaken as detailed in paragraph 4.4 of the report. A number of Members also highlighted the pressures on GP services in Stretham itself and surrounding villages in the North of the District. Therefore, those Members expressed strong support for the project due to the community benefits it would bring.

At this point Councillor Whelan declared an Interest as a representative on the Patient Participation Group for Mereside Medical. In addition, Councillor Goldsack declared an Interest relating to the Soham Town Rangers funding application.

Some Members requested that a separate vote be taken on the Stretham and Wilburton CLT Link project and on the other recommendations in the report. This was acceded to by the Chair.

It was resolved:

1. To increase the Growth and Infrastructure Funds from the allocated £707,182.62 to up to £1,138,066.
2. To approve funding of the following projects:
 - a) (by a majority) £700,000 to Stretham and Wilburton Community Land Trust, The Link project;
 - b) £423,107.60 to Witchford Parish Council, Ely Road Cycleway project;
 - c) £14,958.40 to Wilburton Parish Council, Wilburton Recreation project.
3. To delegate authority to the Director Community, in consultation with the Chair of Finance & Assets Committee, to complete funding agreements for the funding and projects identified in 2. a) - c) which will contain the conditions set out in paragraph 4.4 of the submitted report.

74. Community Infrastructure Funding Requests

The Committee considered a report, Y120 previously circulated, detailing two funding requests for the allocation of up to £510,000 to the Stretham and Wilburton Community Land Trust The Link project and up to £125,000 to the Soham Village College (Staploe Education Trust) Soham Village College 3G Pitch project from the Community Infrastructure Levy.

A number of Members reiterated the concerns they had expressed in the preceding item regarding the Stretham and Wilburton Community Land Trust Link project.

In response to a question by a Member, the Director Community confirmed that the funding for both applications would be from the District CIL allocations pot.

It was resolved:

That approval be given to:

- a) (by a majority) The allocation of up to £510,000 to the Stretham and Wilburton Community Land Trust The Link project.
- b) The allocation of up to £125,000 to the Soham Village College (Staploe Education Trust) Soham Village College 3G Pitch project, subject to the

Football Foundation awarding the project the remaining funding required by July 2024.

75. Service Delivery Plans 2023/24 – Six Month Update

Further to discussions at the meeting held on 23 November 2023 (Minute 52 refers) the Committee considered a report, Y121 previously circulated, detailing an update on the Service Delivery Plans 2023/24.

It was resolved:

That the Service Delivery Plans 2023/24 six-month update report be noted.

76. Internal Drainage Boards Update

The Committee considered a report, Y122 previously circulated, proposing the appointment of representatives to vacant positions on Internal Drainage Boards (IDBs).

The Democratic Services Manager reminded Members that at the meeting of the Committee held on 3 July 2023, the Committee requested that former District Councillors be invited to continue in their roles where there were still vacancies on IDBs. Former Councillor David Chaplin had been approached and responded on 18th December 2023 confirming that he would like to be considered to continue in his position on Waterbeach Level Internal Drainage Board which he had held since 2015.

At the meeting of the Committee, it also was reported that Councillor Goodearl had expressed an interest in the vacancy on the Burnt Fen IDB.

It was resolved unanimously:

That former Councillor David Chaplin be appointed to Waterbeach Level IDB and Councillor Martin Goodearl to Burnt Fen IDB.

77. Forward agenda plan

The Committee received the updated Forward Agenda Plan for the Committee.

A question relating to this item had been provided prior to the meeting from a Member and this, along with the answer provided by officers, was set out in Appendix 2 to these minutes.

It was resolved:

That the Forward Agenda Plan be noted.

78. Bereavement Centre Full Business Case

The Committee considered a report, Y124 previously circulated, containing the Full Business Case (FBC) for the proposed development of a Bereavement Centre, consisting of a crematorium and modular functions room, with associated natural burial and pet cemetery facilities at the Council owned site, Ireton's Way, Mepal.

The Director Operations highlighted two typographical errors in recommendations 2.1 iv & v which should read section 4.11 and 4.16 respectively. The Director Operations then gave a detailed overview of the Business Case for the project for the benefit of Members of the Committee.

The Chairman reminded Members that all of the appendices relating to the project were Exempt. Therefore, the Press and Public would need to be excluded for any questions and discussion on these appendices. The Committee then would return to public session to take a decision on this item. A number of Members indicated that they had questions/points to make on the Exempt appendices. Therefore, the Chair invited questions/comments on the Public report prior to exclusion of the Press and Public.

During detailed discussion on the Public report, questions and comments were raised by Members as follows:

A Member queried if a 3.6% return, as detailed on page 5 of the report, was considered an appropriate level, bearing in mind the degree of risk and investment involved. The Member also questioned the reliability of the specialist VAT advice on the proposed operating model of in-house Council operation of the Bereavement Centre.

Some Members queried how the closer working with the publicly owned neighbouring crematoria referred to in paragraph 4.6 iii of the report would operate and whether this could be considered as a 'Cartel'. The Director Operations stated that this was more about working in partnership with the public sector to mutually complement the offer and better managing the peak operating months.

Some Members referred to the fact that the Council was proposing to commit over £9m of CIL income with the potential to only achieve a breakeven position on the funding. In response, the Director Operations stated that a key objective was to provide community infrastructure for the residents of the District that was not presently available, without impacting on the MTFs position. However, any surplus could support the MTFs in the future.

A Member queried whether the Council could offer pre-paid plans. The Director Operations reported that this was a rapidly changing area and further investigation would be undertaken on the issue.

A Member challenged the re-branding of the Crematorium as a Bereavement Centre and the use of CIL funding to potentially subsidise the Council Tax.

They expressed the view that the location was unpopular with the public and would be convenient to only a small proportion of residents of the District. The viability could also be dependent upon a price war with neighbouring competitors. The Member expressed concern at the secrecy, lack of preparation, research and risk analysis for the scheme. Two other Members echoed these concerns and stated that the £9.03M of CIL funding could usefully be spent on more appropriate community facilities.

However, another Member of the Committee expressed disappointment at the disrespect shown to the work and motivation of officers by some of the above comments and referred to the fact that a level of secrecy had been necessary due to the fiercely competitive nature of the market and potential for legal challenge by competitors. The Member challenged the assertion of lack of support for the proposed facility with alternative facts and figures and reminded Members of the long history of the site that had led to the closure of the original outdoor centre, attempts to find an alternative leisure operator and the incidents of vandalism and arson to the buildings. The proposed facilities would enhance the beautiful natural setting and offer a welcome and tranquil place for residents to remember loved ones at the saddest time of their lives. The designation as a County Wildlife Site limited the uses for the land. The CIL funding pot was constantly being replenished leaving further funding available for other community projects. This scheme represented a great use of the site and would deliver a high-quality community facility providing an excellent service for residents.

Other Members supported the above views and highlighted the benefits of the location being on good road and bus routes. They also referred to the fact that this was a true community facility that everyone would need to use and was not available in the District at present.

At 6.51pm the meeting was adjourned for a comfort break and to go into Exempt session. On resumption in Public session at 7.24pm:

The recommendations in the Public report were moved and seconded and a recorded vote was requested. Upon being put to the vote, the recommendations were declared to be carried with voting as follows:

FOR (6): Councillors Bailey, Goldsack, Goodearl, Hunt, Miller, Sharp.

AGAINST (5): Councillors Colbert, Dupré, Inskip, Trapp, A Whelan.

ABSTAIN (0):

It was resolved to RECOMMEND TO FULL COUNCIL:

That approval be given to:

- 1. The full business case as detailed in appendices 1-4 of the submitted report.**
- 2. A Community Infrastructure Levy (CIL) allocation up to £9.06m for the capital build.**
- 3. Authorise the Director Finance to secure alternative funding where CIL is not available, in consultation with the Chair of Finance and Assets Committee (as detailed in section 5 of the submitted report).**
- 4. Secure provision of a partner to manage fishing rights on the site as set out in section 4.11 of the submitted report.**
- 5. Approve the future operating model of the Bereavement Centre as set out in section 4.16 of the submitted report.**

79. Exclusion of the Public including representatives of the Press

It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1, 2, 3 & 4 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

80. Bereavement Centre Full Business Case - Exempt Appendices

The Exempt appendices were considered and discussed by Members in conjunction with the preceding item.

Questions relating to this item had been provided prior to the meeting from Members and answers provided by officers.

It was resolved:

That the Exempt appendices be received and noted.

81. Ely Riverside Moorings Leases

The Committee considered a report regarding the renewal of moorings leases at Ely riverside.

A question relating to this item had been provided prior to the meeting from a Member and an answer provided by officers.

It was resolved unanimously:

That the renewal of leases for moorings at Ely Riverside be granted as detailed in the submitted report.

82. Write-off of Irrecoverable Debt

The Committee considered a report regarding the write-off of irrecoverable debts.

It was resolved unanimously:

1. That the write-off of one irrecoverable general debt as detailed in the submitted report be approved.
2. That the write-off of two irrecoverable general debts under delegated powers be noted.

83. ECTC Board meeting Minutes

The Committee received the Minutes of the ECTC Board Meeting held on 9th November 2023.

It was resolved unanimously:

That the Minutes of the meeting held on 9th November 2023 be noted.

84. Appointments, Transfers & Resignations

The Committee received a report giving details of staff appointments, transfers and resignations for the period 1st July to 31st December 2023 and a summary of Exit Questionnaire responses.

It was resolved:

That the contents of the report be noted.

85. Flexible Retirement Request

The Committee considered a report detailing a flexible retirement request from an employee of the Council.

Following discussion of the application, Members of the Committee requested that formal recognition and thanks be placed on record for the excellent service of the employee to the Council.

It was resolved:

That the flexible retirement request as detailed in the submitted report be approved.

The meeting concluded at 7:50pm.

Chairman.....

Date 28 March 2024



18th January 2024

Sally Bonnett - Director Community (Lead Officer)
Tracy Couper - Democratic Services Manager

Complaint of misrepresentation by Stretham & Wilburton CLT

As Chairman of the Stretham Parish Council I would like to raise the following points of concern to both the Finance & Assets Committee and The Growth and Infrastructure Funding Scoring Panel regarding the details submitted for the 'Scoring of Applications' and the summary of the Director Community following the meeting held via Teams 4 January 2024.

In the summary of applications it was stated:

"Stretham & Wilburton CLT - Members noted the extensive letters of support for the new project. A CIL application also was to be submitted to F&A Committee on 25 January concurrent with this application and £340k of match funding had been committed by the Parish Council."

The Stretham Parish Council has not committed to or been asked to consider an application from the SWCLT for a match funding amount of £340,000 for this project. This fact should be recognised within the Terms of Reference and Scoring Criteria - 'The level of match funding that the project has secured'.

Stretham Parish Council has not given the SWCLT written approval in support of the proposed The Link facility, and we would request sight of the 'extensive letters' of support for this project. They would be of interest because the residents were invited to partake in a formal poll last year, in which they approved the immediate halt of further expenditure and decision making on the original 'Hub project' until after the Parish Council elections in May 2023. This fact should be recognised within the Terms of Reference and Scoring Criteria - 'Evidence of local resident support for the project'.

This matter has led to residents taking to Social Media to express their concerns and raising questions about the Parish Council's involvement with this statement. A detailed explanation is required concerning this statement.

The newly elected members (May 2023) of Stretham Parish Council recognised the views of the residents and that the proposals for the previous 'Hub & Surgery' which

committed the Parish Council to the project were financially unaffordable in the build costs and unsustainable with ongoing service and maintenance costs based on the forecasted budgets by the previous Parish Council and the SWCLT. The decision of the full Council (May 2023) was to cancel any further expenditure and cease the Parish Council's involvement.

Now the positive focus for the future is to refurbish and enhance the Parish Rooms and explore the possibility for the extension of the Pavillion owned by Stretham Parish Council to provide suitable venues for the village residents prudently and sustainably.

In December 2023, with full Council approval, a letter was sent from Stretham Parish Council to Mereside Medical agreeing 'in principle' to their application for funding from the NHS that would allow them to supply a medical service from a facility on the Manor Farm Development and also assured them of our willingness to assist them in affording the residents and surrounding area an essential service.

Stretham Parish Council is aware and mindful of the (Section 106) planning obligation that the SWCLT has to provide a 'Medical Facility' within the Manor Farm Development. The applications made by them, so far, have included ambitious additions of 'The Hub' and now 'The Link' to attract funding which in turn have created progressive delays in supplying a much-needed and required Surgery in simple form. There is no intention from the Parish Council to wish for any further delay in the SWCLT meeting their obligations.

I hope to attend the meeting on the 25th January 2024.

Kind Regards

Andrew Prevett

Chairman

Stretham Parish Council

FINANCE & ASSETS COMMITTEE
25 January 2024
QUESTIONS FROM MEMBERS OF COMMITTEE

Item 4 & 15 – Minutes & Forward Plan

Questioner	Question	Response
Cllr A Whelan	<p>The Draft Climate Change & Nature Recovery Chapter and the Draft Hedgehog Recovery SPD are stated in the Minutes of 23 November 2023 to be coming to this meeting, but they are missing from this agenda.</p> <p>What is the reason for the delay?</p>	<p>Following the discussion at the November meeting, the items have been moved to the March F&A Committee meeting to enable a Member Seminar on both topics to be held before they are presented to Committee.</p> <p>The Member Seminar is being held on Monday 12 February 2024.</p>

Item 6 – 2024/25 Annual Treasury Management Strategy MRP & AIS

Questioner	Question	Response
Cllr A Whelan	Are there any differences between the proposed Treasury Management Strategy Statement and the CIPFA Treasury Management Code and Prudential Code?	The Director, Finance believes that the Treasury Management Strategy includes all the requirements laid out in the CIPFA Management and Prudential Codes

Item 9 – Assets Update

Questioner	Question	Response
Cllr A Whelan	Please could an interim update on the costs of Depot improvements be provided?	<p>The original budget approved was £543,500 with £295,500 being allocated/spent in 2023/24.</p> <p>Spend to date is £480,549</p>
Cllr A Whelan	<p>Why is the gutter cleaning significantly higher than originally budgeted?</p> <p>£3.6k v £1.5k budget</p>	The original estimate was costed on a mechanical solution, however, once work began a manual solution was needed which required additional resources.

TITLE: ECTC BUSINESS PLAN 2024/25

Committee: Finance & Assets Committee

Date: 28 March 2024

Author: Director Commercial

Report No: Y174

Contact Officer:

Emma Grima, Director Commercial.

Emma.grima@eastcambs.gov.uk, The Grange, Ely.

1.0 ISSUE

1.1. To consider the ECTC Business Plan 2024/25.

2.0 RECOMMENDATION(S)

2.1. Members are requested to approve the ECTC Business Plan 2024/25 as set out in Appendix 1.

3.0 BACKGROUND/OPTIONS

3.1. In accordance with the Shareholder Agreement ECTC is required to produce an annual business plan for approval by the Finance & Assets Committee (the Shareholder Committee). On 7 March 2024 ECTC Board approved the Business Plan 2024/25.

4.0 ARGUMENTS/CONCLUSION(S)

4.1. Finance & Assets Committee, as the Shareholder Committee, is requested to approve the ECTC Business Plan 2024/25.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

5.1. There are no additional financial implications arising from this report.

5.2. Equality Impact Assessment (EIA) not required.

5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1- ECTC Business Plan 2024/25.

Background Documents:

None



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

**East Cambs
Trading CO. Ltd**

ECTC BUSINESS PLAN 2024/25

TABLE OF CONTENTS

Introduction	3
1. Background	5
2. Process.....	9
3. Governance and Management	11
4. Financial Information	13
5. Risk Management.....	16
6. Commercial Services.....	22
7. Property Development.....	26

East Cambs
Trading CO. Ltd



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

INTRODUCTION

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

Working with ECDC the following drivers were established:

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

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

Governance Structure

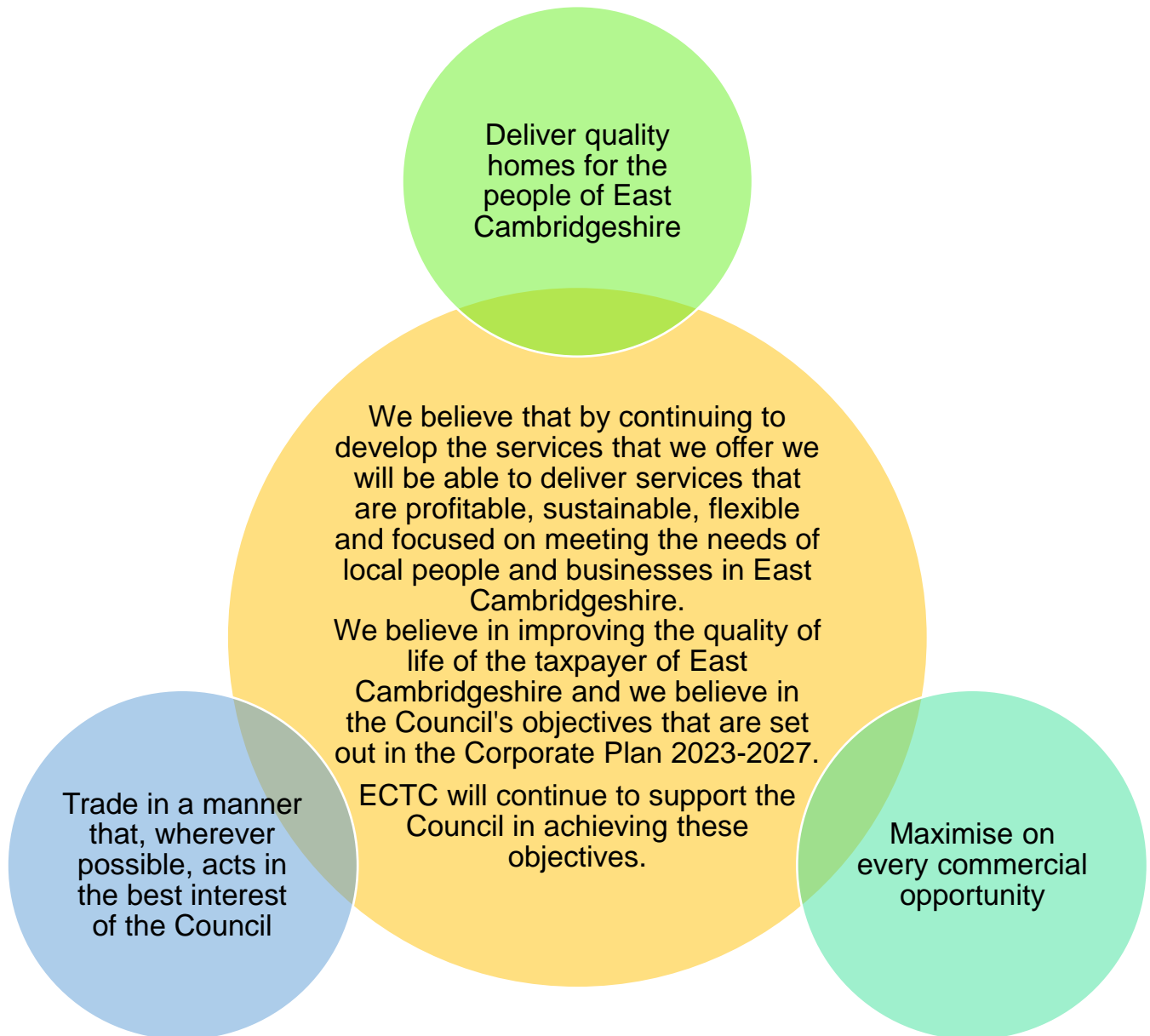
Financial Overview

Risk Management

Board and Management Structure

Commercial Services

Property Development



1. BACKGROUND

ECTC was established in 2016 as a 'tool' to enable ECDC to do more than it already does.

Whilst ECTC is a legal entity in its own right, and should be free to operate commercially to generate the maximum returns, both financial and social value, it is important to remember that it is a company that is wholly owned by ECDC.

As the sole shareholder ECDC has an interest to ensure, wherever practicably possible, that ECTC is profitable. Profit for ECTC will ultimately benefit ECDC as sole shareholder as the only body capable of receiving a dividend.

Profit will either be reinvested in ECTC to achieve service improvements and greater profits or will be paid to ECDC, as a dividend, to enable it to achieve the aims of the MTFs and the Corporate Priorities.

Key Business

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

Both areas of the business carry out business on behalf of ECDC as well as other customers. ECTC will continually look for new opportunities to enter new markets or expand in existing markets.

Where necessary individual business plans will be developed for approval by the Board.

As ECTC heads in to its eighth year of operation it is important to reflect on what the Company has delivered since it was incorporated in 2016.

Commercial Services- Grounds Maintenance

In 2017 the Council awarded a 10-year maintenance and management contract to ECTC to deliver Grounds Maintenance services on its behalf. The annual value of this contract was £699,548 increasing with RPI.

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. Furthermore, ECTC has been in a position to offer a £100,000 discount on the management fee for each of the years 2020/21, 2021/22 and 2022/23. This represents an overall saving to the Council of £300,000.

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 2023/24 ECTC generated 29% of its income from other organisations. This is something that the Council would not have been able to achieve because of its limitations to act commercially in a public sector environment.

For various reasons, a discount is not being offered in 2024/25 and this largely relates to the increased sites being managed on behalf of the Council and the increased salary costs which are being absorbed within the additional income received by ECTC from other contracts.

Commercial Services- Ely Markets

This business area is a great success for ECTC. Since 2016 Ely Markets has increased its revenue by 29% and year on year has delivered profit to the Company. Albeit in 2023/24 the profits are small but reflect investment and absorption of increased salaries arising from both the NJC pay award and a reevaluation and redesignation of responsibilities.

As well as financial return to the company Ely Markets has provided a vibrant market that has generated millions of pounds of spend into the local economy.

Ely Markets also delivers 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 contract). This is income that the Council would not be able to achieve if it directly managed the service.

In 2016 Ely Markets employed 3 part-time core staff. In 2024 Ely Markets employs 2 full-time and 3 part-time core staff and utilises a number of casual staff; ranging from reeking 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. Ely Markets has returned profits to the Company and some profits have been used to reinvest in the service.

Financial returns aside Ely Markets is able to boast the following successes (this list is by no means exhaustive):

- Vegan Fair
- Festive Lates
- Mini Markets
- Foodie Fridays
- Prince of Wales Visit
- NABMA Award Winner
- Queens Jubilee Weekend
- Christmas Markets
- Environmental Campaign #Bring Your Own
- Safe environment during COVID

East Cambs Trading Company

Business Plan 2024/25

These successes not only increase returns for ECTC but more importantly increase city centre footfall, provide choice and a safe and sustainable shopping alternative for the community, facilitate small businesses (providing a launch-pad which sometimes lead to established business in the city centre and beyond) and provide a more sustainable and environmentally responsible offer to the community.

Property Development

Since 2016 ECTC has delivered 170 homes and 44 of these are affordable housing units delivered through Community Land Trusts, enabling people to live and work locally.

Site	Open Market	Affordable Housing
Barton Road, Ely (Kings Row)	9	2 + Contribution in lieu
The Shade, Soham (The Fledglings)	5	8
Former MOD Phase 1 (Arbour Square)	77	15
West End Gardens, Haddenham (Ovins Rise)	35	19
Total	126	44

ECTC, as site promoter, worked with the landowners and Kennett CLT to facilitate the delivery of an infrastructure first 500 home development, which includes 150 affordable homes (60 of which will be owned and managed by the CLT), near net zero development. The landowners sold the site to Bellway in 2021 and planning has been approved for the detailed design of 328 of the units and the perimeter road. The development has commenced with open market sales due in the summer of 2024 and the first 4 CLT units being available in July 2024, 10 in November 2024 and 16 expected in March 2025. ECTC maintain a legal interest in the site and have a key role to play through the Kennett Delivery Board to ensure that the vision is adhered to.

The future pipeline includes Eden Square, Ely; 13 unit scheme which includes 4 £100k Homes, MOD Phase 2; 27 unit scheme which includes a minimum 33% affordable housing and MOD Phase 3; 14 unit scheme (subject to planning).

Financing and returns

ECTC has been able to deliver its business plans as a result of its ability to generate income from its activities in both Property and Commercial Services.

In 2016 the Council agreed a 5-year £5m loan facility to ECTC as a general loan and in 2018 agreed a further loan of £1.5m which was ringfenced to deliver the Former MOD site in Ely. The business impact of COVID-19 resulted in the Council, as lenders, agreeing new loan terms relating to interest rate and loan repayment date.

In April 2022 Council agreed a new loan facility of £7.5m. The purpose of the loan was to facilitate repayment of existing loans and facilitate the delivery of 3 new sites; Former Paradise Pools, Ely, MOD Phase 2 and MOD Phase 3.

East Cambs Trading Company

Business Plan 2024/25

In February 2024, the Council agreed to extend the loan deadline from March 2026 to March 2027 to accommodate the timetable changes necessary to enable the NHS to complete the car park works which where only possible because of the land swap agreement between ECTC and the NHS. Note: the loan interest rate increased from 4.50% to 5.25% for the extension period (March 2026 to March 2027).

By 31st March 2024, ECTC will have paid £1,527,705 in interest to ECDC.

In 2018 Cambridgeshire and Peterborough Combined Authority (CPCA) agreed a £6.5m loan facility that enabled ECTC to progress the West End Gardens, Haddenham development. Due to the impact of COVID-19 it was necessary to negotiate a new repayment date for repayment of the loan. ECTC repaid the principal loan in January 2023, two months ahead of schedule.

In 2018 CPCA agreed a £24m loan facility that enabled ECTC to progress the MOD Phase 1 development. Due to the impact of COVID-19 it was necessary to negotiate a new repayment date for repayment of the loan. It is expected that this loan was repaid on 31 March 2023.

At the time of repayment, the interest paid to the CPCA was £1.84m.

ECTC could have, with the consent of Council, secured loan financing from traditional lenders. It has not done this and instead has borrowed from the public sector. This means that between ECDC and CPCA the public sector has benefited to the total amount of £3,317,939 with further interest payments due to ECDC in future years.

In addition to the benefits identified above ECTC has also delivered the following financial benefit to the Council:

Purpose	Total 1 April 2016 to 31 March 2024
Senior Management Cost Recovery	£365,959
Service Charge Recovery	£472,044
Accommodation Cost Recovery	£445,174
S106/CIL	£861,995
Land Acquisition	£1,264,650
Total	£3,409,823

In some years the Company is filing losses and in other years it is filing profits. In all years the Company has remained solvent because it is able to demonstrate future solvency. This is the nature of a company that deals predominantly in the development industry. It takes time and money to develop houses and income from these flow through a future timeframe. The end date of 31 March of a financial year is, in essence, an arbitrary date. For example, a house completing on 1 April of a year instead of 31 March of the same year can lead to the difference as to whether the Company is posting a loss in the previous year or an increased profit in the following year. The cashflow statement of the Company is a more accurate indicator of the financial capabilities of the Company, not the statutory accounts.

2. PROCESS

Service Level Agreements

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

Support services from ECDC for 2024/25 include:

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

Property and Assets

The Head Office of ECTC is The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE.

Ely Markets currently occupy The Grange, Ely.

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

Property Development occupy 5 Fordham House Court, Newmarket Road, Fordham. The property is occupied on a 6 year lease. Note: This lease comes to an end in December 2024 and there is no intention to enter into a new lease. Office spaces will be secured at The Grange, Ely and/or Littleport Depot and a payment will be made to the Council for the rent of office space.

Policies and Procedures

ECTC continue to use all relevant ECDC policies and procedures.

Data Protection

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

Freedom of Information

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

3. GOVERNANCE AND MANAGEMENT

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

ECTC continues to maintain an effective service and will deliver financial performance management reporting systems to the Board and ECDC Shareholder Committee which is the ECDC Finance & Assets Committee (F&A).

Board of Directors

The Board of Directors comprises:

- The Independent Chairman
- 2 ECDC Senior Officers; the Chief Executive and the Director Operations

Meetings

The quorum for board meetings shall be two.

At Board meetings each director shall have one vote.

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

An agenda for the meeting will be prepared and distributed not less than 5 days prior to the meeting (unless otherwise agreed by the Chairman).

Except where the information is commercially sensitive, approved minutes of Board meetings will be provided to the Shareholder Committee (Finance & Assets) for noting.

Managing Director and Company Secretary

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

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

ECTC's Relationship with ECDC

ECTC	Shareholder Committee (F&A)	Full Council	ECTC Board Observers
<ul style="list-style-type: none"> • Annual Business Plan <ul style="list-style-type: none"> • Produce for approval by F&A • Biannual Report to F&A <ul style="list-style-type: none"> • Produce for noting by F&A a report containing: <ul style="list-style-type: none"> • Strategic Risk Assessment • Progress against Business Plan • Summary Management Accounts and key financial metrics including financial projections and variations • Quarterly Report to F&A <ul style="list-style-type: none"> • Produce for noting by F&A Quarterly Management Accounts 	<ul style="list-style-type: none"> • Annual Business Plan <ul style="list-style-type: none"> • Receive, comment and approve the Annual Business Plan • Biannual Report <ul style="list-style-type: none"> • Receive, comment on and note • Quarterly Report <ul style="list-style-type: none"> • Receive, comment on and note • Key Decisions <ul style="list-style-type: none"> • Approval of the Annual Business Plan • Approval of ECTC entering into any joint venture • Approval of the borrowing of any external money (other than from Cambridgeshire and Peterborough Combined Authority) 	<ul style="list-style-type: none"> • Decisions reserved for Full Council <ul style="list-style-type: none"> • Matters relating to the control of shares • Amendments to the Articles of Association • Matters relating to the payment of a dividend • Matters relating to company structure • Matters relating to the cessation of ECTC • Matters relating to the business that is not considered ancillary or incidental to the approved Business Plan • Appointment/removal of directors • Remuneration of any director • Entering into a service contract, terms of appointment or other agreement with a director • Remuneration of any ECTC employee exceeding £100,000 • Establishing or amending any profit sharing, share option, bonus or other incentives of any nature for directors and employees • Making bonus payments to any director or employee • Changing the name or registered office 	<ul style="list-style-type: none"> • Rights of Observers <ul style="list-style-type: none"> • The Board of Directors shall notify the Observers of when meetings will be held • The Observer may contribute to discussions at Board Meetings • The Observers are not entitled to vote on any decision contemplated by the Board of Directors • The attendance of Observers does not count towards a quorum • Observers will have access to board papers and minutes and must comply with confidentiality rules of the company • Observers cannot participate on matters where there is a direct conflict of interest to their personal business

4. FINANCIAL INFORMATION

Budget

The table below provides a summary of turnover and cost up to March 2027.

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

	2022/23	2023/24	2024/25	2025/26	2026/27
Turnover					
Commercial	1,317,360	1,479,735	1,572,451	1,616,465	1,661,736
Property	27,054,487	4,237,070	4,622,943	7,745,950	3,911,933
Total	28,371,847	5,716,805	6,195,394	9,362,415	5,573,669
Cost					
Corporate	277,336	247,509	229,197	233,581	254,717
Commercial	1,340,074	1,466,956	1,562,590	1,589,857	1,617,628
Property	25,366,877	4,440,377	4,599,532	6,410,520	3,379,083
Total	26,984,287	6,154,842	6,391,319	8,233,958	5,251,428
EBITDA	1,387,560	(438,037)	(195,925)	1,128,457	322,241
Interest cost	1,164,178	379,858	167,709	223,950	105,266
Profit before tax	223,382	(817,895)	(363,634)	904,507	216,975

Financial Benefit to ECDC

The table below shows the receipts that ECDC will have received from ECTC as a result of its activities from April 2016 up to the end of March 2024.

	£	£	£
Land receipts			
Soham	10,000		
Barton Road, Ely	715,000		
Eden Square	<u>539,650</u>		
Total land receipts		1,264,650	
S106 / CIL agreements			
Soham	16,752		
Barton Road, Ely	200,122		
Haddenham	547,378		
Paradise	<u>97,743</u>		
Total S106 / CIL agreements		861,995	
Total council tax receipts from new properties		63,892	
Property Development			2,190,537
ECDC Charges			
Interest		1,527,705	
Support Services			
Management Support	365,959		
Finance	61,687		
Payroll & HR	84,324		
IT Support	59,093		
Customer Services	32,391		
Vehicles	<u>229,241</u>		
Member Services	5,307		
		838,003	
Accommodation		445,174	
Total ECDC Charges			2,810,883
Reduction in Parks			300,000
			<u>5,301,420</u>

East Cambs Trading Company

Business Plan 2024/25

EAST CAMBS TRADING COMPANY LTD:		STATEMENT OF FINANCIAL BENEFITS FOR EAST CAMBS DISTRICT COUNCIL											
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	CUMULATIVE	2023/24	2024/25	2025/26	2026/27	
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	TO DATE	Forecast	Forecast	Forecast	Forecast	TOTAL
SUMMARY													
FINANCIAL BENEFITS FROM PROPERTY DEVELOPMENT			943,224	109,745	444,171	16,559	16,559	1,530,259	660,278	66,959	179,188	26,985	2,463,668
CHARGES INCURRED FROM ECDC	101,299	249,888	383,834	389,627	435,959	365,777	411,939	2,338,322	472,560	443,822	318,326	265,109	3,838,139
REDUCTIONS IN PARKS CONTRACTS					100,000	100,000	100,000	300,000					300,000
TOTAL FINANCIAL BENEFIT FROM TRADING COMPANY	101,299	249,888	1,327,058	499,372	980,130	482,336	528,498	4,168,581	1,132,838	510,780	497,513	292,093	6,601,806

5. RISK MANAGEMENT

Inherent Risk							Residual Risk				Monitoring
Risk No.	Risk Description	Effect	Owner	Likelihood	Impact	Score	Key Controls	Likelihood	Impact	Score	Notes
Legislative/Policy											
1.	Changes in legislation could place restrictions on the Council's power to trade in a commercial manner	Possible restrictions or cessation	MD	1	5	5	<p>Continuous monitoring of changes to legislation and government guidance through liaison with MP's, ebulletins, consultations, LGA Knowledge Hub and other publications.</p> <p>If there are significant changes in legislation this risk should be addressed immediately by the MD and reported to the Board of Directors. An amended Business Plan or Exit Strategy may need to be approved by the Board of Directors and submitted to Council.</p>	1	5	5	This is a medium to long term risk and no significant changes in legislation are anticipated that will affect the company during 2024/25.
2.	Changes in legislation could impact on ECTC's ability to borrow (or conversely ECDC's power to lend) to fund future projects	ECTC would need to borrow externally which requires Council consent	FM	1	5	5	The Council's S151 Officer attends all Board meetings and advises on all relevant financial and governance matters	1	5	5	<p>This is a medium to long term risk and no significant changes in legislation are anticipated that will affect the company during 2024/25.</p> <p>The Company has secured a loan from ECDC to fund the projects within this Business Plan.</p>

East Cambs Trading Company

Business Plan 2024/25

3.	Changes in Planning and Housing Policies could have an impact on Property division, for example, First Homes and policies relating to Climate Change and Nature Recovery.	Reduced ability to repay ECDC loan or reinvest profits into future projects	DC	2	2	4	<p>The Levelling up and Regeneration Bill could introduce key changes which will impact on housebuilding.</p> <p>The Council may choose to commence a new Local Plan following changes through the Levelling up and Regeneration Bill.</p> <p>This may impact on future, yet unknown, projects.</p> <p>Changes are to be monitored and assumptions continuously reviewed to ensure that the projects remain profitable with risks incorporated into individual business cases.</p>	2	2	4	<p>There is no impact on the projects that have planning permission and no significantly adverse impact on projects going through the planning system in 2024/25.</p> <p>Individual business cases for future projects should consider possible changes in Planning and Housing Policy.</p>
Governance											
4.	Inadequate governance arrangements and lack of clarity on roles of ECDC and ECTC could lead to poor decision making that undermines the operation of ECTC.	Impact on the Commercial operation of ECTC	MD	3	4	1 2	<p>Shareholder Agreement</p> <p>Articles of Association</p> <p>Rights of Observers</p> <p>Service Level Agreements</p> <p>Management Contracts</p>	1	4	4	<p>Governance arrangements are currently fit-for-purpose</p> <p>The Shareholder Agreement will be amended in 2024/25 to reflect minor improvement recommendations from the Council's Internal Auditors.</p>
5.	ECTC is wholly owned by ECDC and so is subject to the controls and decision-making process for matters that	The speed of decision-making process may have an impact on ECTC's ability to operate effectively.	MD	3	4	1 2	Shareholder Agreement	1	4	4	The Shareholder Agreement provides for the ability of extraordinary meetings of the Shareholder Committee to be called to consider urgent business and where

East Cambs Trading Company

Business Plan 2024/25

	are outside of the Business Plan.										necessary make recommendations to Full Council.
Economic											
6.	ECDC has provided a £7.5m loan to ECTC to be drawn down and repaid in accordance with the loan agreement. In the event of an economic slowdown or sites not being delivered in the timeframe contemplated in the loan request, there may be a risk that the company cannot meet the repayment schedule.	The £7.5m loan provides ECDC with security over all ECTC's unsecured assets. ECDC could call on it's rights to recover the loan.	FM	5	5	2 5	Loan Agreement Debenture Agreement ECTC/ECDC Finance Manager Briefings Board review of business and loan performance Sensitivity analysis for future housebuilding projects Ability to make formal requests to the Council to make changes to the loan which will be supported by evidence of ability to repay the loan	4	5	2 0	When requesting the loan sensitivity analysis was carried out for future projects. Individual, detailed business cases will be produced for future projects which will review assumptions made when requesting the loan. Eden Square, Ely has received Full Business Case approval with appropriate sales/cost assumptions, including factoring for a slow build/sales programme. The NHS projections identify that the land for MOD Phase 3 will not be available until later in 2024. In February 2024 the Council agreed an extension to the loan deadline to March 2027 to accommodate this.
7.	With the exception of new loans from CPCA, ECTC cannot increase its	ECTC would need to work with the 'market' to secure financing.	FM/DC	2	5	1 0	ECTC/ECDC Finance Manager meetings	2	5	1 0	ECTC has secured loan financing for the projects in this Business Plan.

East Cambs Trading Company

Business Plan 2024/25

	<p>indebtedness without the consent of the Shareholder Committee (loans can be provided by ECDC and this requires the consent of Council).</p> <p>If ECDC's MTFS is not successfully implemented the availability of loan finance to ECTC could be reduced. This may lead to ECTC needing to borrow from the 'market'.</p>	If borrowing could not be secured from the 'market' then ECTC would need to factor this in future business planning.					Discussions with Council in advance of need to ensure there is time to consider alternative options				If opportunities arise in the future financing discussions with the Council will be held as soon as practicable.
8.	Changes in taxation, interest rates and build cost inflation.	These factors could have an impact on the viability and profitability of ECTC.	FM/DC	3	3	9	<p>FM monitors taxation and interest rate.</p> <p>Build cost inflation is a key short to medium term risk to the company; to minimise the impact, wherever possible, build contracts will be let on a fixed price basis with costs defined.</p>	2	3	6	The FM and DC monitor changes and factor these changes into individual detailed business cases.
9.	Cost of living	The cost of living crisis could impact on the sale ability and/or profitability of a scheme, for example, increased mortgage rates	FM/DC	4	4	16	Future development schemes will include this risk in the Full Business Case Phase with appropriate sensitivity analysis carried out which will include testing a longer sales period and the impact this may have on cashflow and the ability for ECTC to repay its loan.	4	2	8	<p>Continuous review of the homes remaining for sale in the portfolio is ongoing.</p> <p>Regular reports are produced 'Project Status Update' for Board to be kept up to date.</p>

East Cambs Trading Company

Business Plan 2024/25

10.	Economic downturn could result in lower profits (or even possible losses) than are anticipated in the Business Plan	Depending on the severity of the situation it may impact on ECTC's ability to meet its financial obligations to its creditors	FM/DC	3	5	1 5	<p>FM and DC carry out a full assessment of the market conditions before any development commences.</p> <p>Once projects have commenced, ECTC is at risk from market fluctuations.</p> <p>In the event of a market downturn the DC will appraise the MD and the Board and make recommendations to mitigate any potential losses.</p>	3	5	1 5	<p>The impact of change in market behavior is being actively managed.</p> <p>DC and FM will consider this risk when producing the detailed individual business cases for future projects and this will include monitoring this risk if the plans are approved by the Board.</p> <p>Monitor closely and link with the specific cost of living risk.</p> <p>Eden Square, Ely has received Full Business Case approval with appropriate sales/cost assumptions, including factoring for a slow build/sales programme.</p>
Operational											
11.	Inadequate management of commercial build contracts can lead to delays, overspends and reduced profitability/cash flow for ECTC.	This could impact on ECTC's ability to meet its financial obligations to its creditors	FM/DC	2	4	8	<p>Qualified project manager</p> <p>Regular review of business case assumptions</p>	1	4	4	The DC and FM, in the business planning cycle, are aware of these risks and meet fortnightly with the project team to monitor the assumptions made in the individual business cases.
12.	Adequacy of organisational resources to deliver the required business outcomes.	Could lead to not being able to deliver the Business Plan	DC	1	3	3	<p>Resources identified when recommending the Business Plan for Board and F & A approval.</p> <p>In year changes discussed with the MD</p>	1	3	3	Adequacy of resources is continuously reviewed. There is continued investment in facilities, staff and training to

East Cambs Trading Company

Business Plan 2024/25

												ensure that ECTC has the resources that it needs to deliver the necessary outcomes.
--	--	--	--	--	--	--	--	--	--	--	--	---

FM- ECTC Finance Manager

MD- ECTC Managing Director

DC- Director Commercial

Residual Risk Scoring

All risks are monitored by the Director Commercial on a monthly basis and updates are sought from relevant personnel.

- Low- (risk score 1 to 9)- Routine noting to Board
- Medium- (risk score 10 to 14)- Routine noting to Board and relevant updates provided to provide assurance that the risk is being managed
- High- (risk score 15+)- Reported to Board with actions outlined and where necessary a plan of action provided

6. COMMERCIAL SERVICES

The Commercial Services of ECTC currently deliver Ely Markets on behalf of ECDC and Grounds Maintenance Services; both on behalf of ECDC and for other customers.

Commercial services, through the Grounds Maintenance Service has made a commitment to explore areas of income generation that will enable ECDC to continue to deliver good quality services for its residents, visitors and businesses.

The primary focus of Commercial Services for 2024/25 shall be to continue to develop Ely Markets, focusing on the community as its customer, and Grounds Maintenance Service focusing on new areas of income generation; ensuring that both continue to deliver high quality services that respond to the needs of their customers and seek to maximise opportunities that arise throughout the year.

The following table provides a cumulative budget to March 2027.

	2022/23	2023/24	2024/25	2025/26	2026/27
Turnover	1,317,360	1,479,735	1,572,451	1,616,465	1,661,736
Cost	1,340,074	1,466,956	1,562,590	1,589,857	1,617,628
EBITDA	(22,714)	12,779	9,861	26,608	44,108

For 2024/25 Grounds Maintenance is able to operate within the originally agreed management fee from ECDC for the service that it provides.

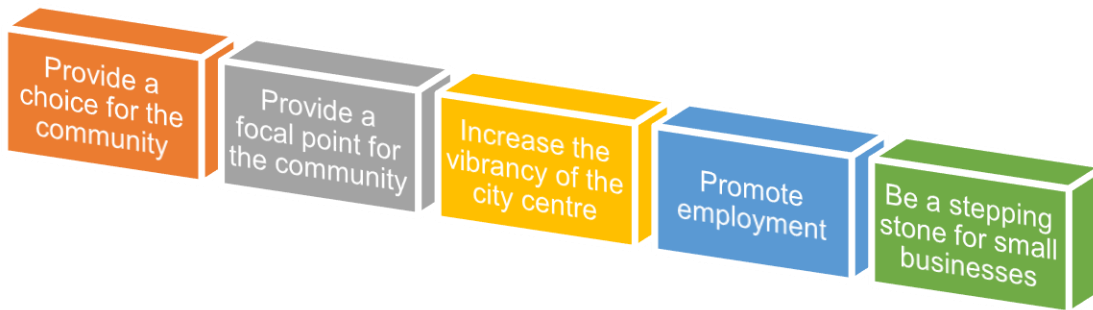
For various reasons, a discount is not being offered in 2024/25 and this largely relates to the increased sites being managed on behalf of the Council and the increased salary costs which are being absorbed within the additional income received by ECTC from other contracts.

Ely Markets has shown significant growth in the past and is projecting further growth as the Market goes from strength to strength. During 2024/25 and future years it is necessary to continue with the previously approved investment programme to ensure the growth and sustainability of the service.

Ely Markets

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

Service Objectives



Ely Markets have been at the heart of the community for more than 800 years. With currently 300+ traders on their books and a wider community turnover of £14 million, Ely Markets play a dynamic role in the Ely city centre economy and community.

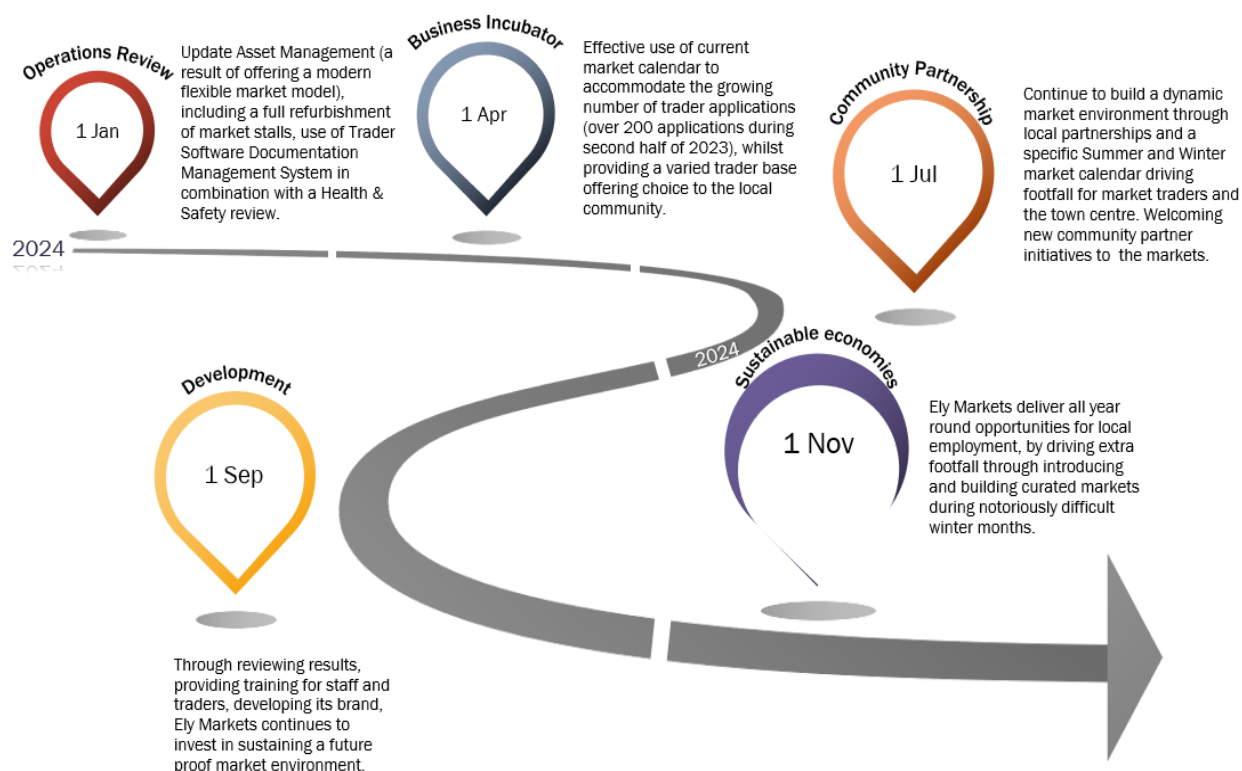
Based on a core approach of tradition, strength and innovation, our mission is to invest in a high quality and balanced market forum, provide infrastructure, growth and job opportunities within this local community.

Ely Markets welcomes around 50,000 visitors to their markets each week and supports a vision of a vibrant and thriving market town, whilst at the same time function as an engine for community based socio-economic interaction.

East Cambs Trading Company

Business Plan 2024/25

Ely Markets continues to go from strength to strength. There is an ongoing commitment to ensure that profits from the service are reinvested back into the service to ensuring that it continues to deliver an excellent offering to the community.



Budget

The following table provides a summary of the budget to March 2027.

Markets	2022/23	2023/24	2024/25	2025/26	2026/27
Turnover	292,583	299,923	315,988	322,308	328,754
Salaries	186,684	199,716	249,644	254,637	259,730
Premises	23,204	15,446	15,874	16,033	16,193
Transport	1,927	1,522	2,086	2,107	2,128
Supplies & Services	64,639	80,849	45,051	45,502	45,957
Gross Profit	16,130	2,389	3,333	4,030	4,747

Grounds Maintenance Service

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

Service Objectives



ECTC's main client is ECDC which accounts for approximately 70% of its income.

Over the years the service has focused on harnessing relationships with its customers and building a strong reputation for delivering an excellent, high quality service. This has enabled ECTC to secure contracts outside of ECDC on a longer-term basis.

In its formative years ECTC was able to secure small ad hoc contracts, in the more recent years ECTC has been able to secure longer-term contracts with school academies.

Budget

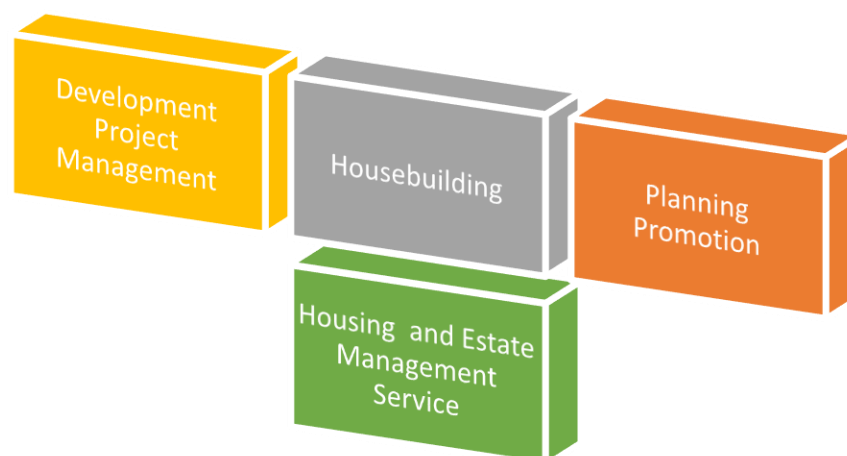
The following table provides a summary of the budget to March 2027

Grounds Maintenance	2022/23	2023/24	2024/25	2025/26	2026/27
Turnover	1,024,777	1,179,812	1,256,463	1,294,157	1,332,982
Salaries	769,457	852,584	914,470	932,759	951,415
Premises	66,194	70,797	74,595	75,341	76,094
Transport	139,892	156,730	173,857	175,596	177,352
Supplies & Services	88,077	89,311	87,013	87,883	88,762
EBITDA	(38,843)	10,390	6,528	22,578	39,359

7. PROPERTY DEVELOPMENT

ECTC's Property Development Team focus on the delivery of high quality development in East Cambridgeshire.

Service Objectives



Brief 2023/24 Overview

During 2023/24 the company continued to sell homes at Arbour Square, Ely. It is anticipated that by the end of March 2024 there will be 1 open market unit for sale and the final transfer of 2 Shared Ownership properties on the Arbour Square Phase 1 development.

Additionally, the company commenced construction of 13 new homes at Eden Square, Ely which includes 4 £100k Homes.

In addition, working in partnership with Kennett Community Land Trust and the landowners, the Company continued to work to ensure the agreed vision is delivered. This has facilitated the delivery of a flagship development which is commenced in July 2023.

Between 1 April 2023 and 31 March 2024 the Company will have sold and completed sales on 10 properties.

Projects

West End Gardens, Haddenham



This development of 54 new homes in the village of Haddenham commenced in late 2019. 19 of the new homes being built in the scheme are affordable homes that are managed by Haddenham CLT (HCLT). The HCLT homes are available to people that live/work in the parish and will remain affordable in perpetuity, benefiting the wider community for years to come. The first of the affordable homes were completed and transferred to HCLT in January 2021. In 2022/23 all CLT Homes were completed and transferred to HCLT. All the CLT homes are occupied by people living and/or working locally.

All homes are now sold and the area of public open space has been transferred to Haddenham Parish Council.

The company continues to act as a management company for the areas of land not transferred to the Parish Council (roads and small pockets of open space and verges).

Arbour Square, Ely (MOD Phase 1)



In late July 2019 ECTC acquired 8.78 hectares (21.6 acres) of land in Ely from the Ministry of Defence (MoD). The land included 88 existing houses and provided opportunities for further new-build development. The houses were formerly used to accommodate US Air Force families, but some stood empty for up to 5 years.

The company has been refurbishing these houses to bring them back into use. Improvements to the streetscape and provision of additional off-road parking have also been carried out. Through these improvements, it has also been possible to convert four houses into eight flats, delivering 92 homes in total. 15 of the 92 homes are shared ownership affordable units, the first of which were occupied in April 2022. The 15 shared ownership properties will be owned and managed by East Cambs CLT (ECCLT) and are available to people that live/work in the parish.

Affordable Housing- As at 21 February 2024 13 properties are now occupied and 2 properties are sold and due to complete during the early part of 2024/25.

Market Homes- As at 21 February 2024 75 have been sold, 1 property has exchanged and awaiting legal completion (due in March 2024) and 1 is being rented for 6 months.

Eden Square, Ely



Construction has commenced on 13 homes on the site at Eden Square, Ely. Four of the homes will be provided as £100k Homes. It is anticipated that the development will complete in September 2024 with release of sales commencing in early summer 2024.

The Board will receive updates on the project at each Board meeting.

Arbour Square, Ely- (Phase 2) New Build



Complying with its contractual obligations to the MoD when it acquired the site in July 2019 (the effect of which required the Company to test and maximise the planning opportunity for housing on the site) the Company submitted a planning application for Phase 2 at MOD Ely in July 2020. This application was for 53 new build properties to be built within the existing housing estate. The application was subsequently revised in October 2021 to reduce the number of new properties to 42 one, two, three and four-bed homes.

Through discussions with planning officers at ECDC, the company has further reduced the scheme to 27 one, two and three-bed homes. This has been achieved by removing units from the open green space, thereby preserving the open green space.

The planning application includes a policy compliant level of 33% affordable housing. In 2022/23 the Council's Planning Committee approved the application subject to the prior completion of a Section 106 Agreement. Planning permission was issued on 19 February 2024.

A full business case for the new build project will be developed and presented to Board for approval in late March/early April 2024. If approved construction will commence in early Autumn 2024.

MOD Phase 3



The Company has entered into a land-swap contract with the NHS as part of its enabling works for the new Princess of Wales hospital. In return for transferring land for a new car park to the NHS, the Company has received an equivalent area of brownfield land (currently used for car parking associated with the hospital use) that could be developed, subject to planning, for new build residential planning. This land, with planning potential for around 14 new homes, will form Phase 3 of the Company's development at Ely.

If planning permission is achieved and the Board approve the Full Business Case, it is anticipated that development could commence in 2024/25.

Kennett Garden Village



East Cambs Trading Company

Business Plan 2024/25

Kennett Garden Village is a scheme for 500 mixed-tenure homes, including 25 self-build plots, £100k Homes and 150 affordable homes with 60 of these to be owned, in perpetuity by Kennett CLT.

This flagship development will take an 'Infrastructure First' approach and the key triggers that were agreed at the planning stages ensure early delivery, in the first phase of a primary school, off-site highway improvements, perimeter road, village green and community facilities.

The development will be a sustainable, low-carbon development with an ambition to reach near net-zero and adopts Garden Village principles of low density and extensive open green space.

Having secured outline planning permission for the development in 2021 the company completed land contracts to facilitate the sale of land by the Company's landowner partners to Bellway Homes.

Land at Kennett for commercial development, care home/retirement housing was not sold to Bellway and this has been retained by the landowners. The land will be sold when it has been provided with connecting roads and utilities infrastructure by Bellway Homes. When these final parcels of land are sold the Company will receive further promoter's fees from the project.

Over the coming years, working alongside Kennett CLT, the landowners and Bellway through the Kennett Garden Village Delivery Board, the Company will continue to play a lead role in the delivery of the new development, helping to ensure that the key principles of the Quality Charter are achieved. This oversight role will also help to ensure that the Company's legal and financial interests in the remaining land parcels are carefully protected.

Bellway has secured Reserved Matters consent for the perimeter road and 328 homes. The site is commenced in July 2023.

Financial Projections

PGH	2022/23	2023/24	2024/25	2025/26	2026/27
Turnover	27,054,487	4,237,070	4,622,943	7,745,950	3,911,933
Housing construction costs	24,997,022	3,976,458	4,119,340	5,937,298	2,896,397
Salaries	277,316	381,009	411,207	402,866	410,923
Premises	25,461	21,961	20,201	20,600	21,012
Supplies & Services	67,078	60,949	48,784	49,756	50,751
Gross Profit	1,687,610	(203,307)	23,411	1,335,430	532,850

ECTC (Property) - SWOT Matrix

SWOT MATRIX	
INTERNAL FACTORS	
STRENGTHS (+)	WEAKNESSES (-)
<ol style="list-style-type: none"> 1. Low overhead costs. 2. Specialist knowledge of project and construction teams. 3. Strong local connections with key stakeholders, contractors and suppliers. 4. Company ethos aligned with development partners. 	<ol style="list-style-type: none"> 1. Reliance on existing public sector funders. 2. Build costs higher than volume house builders. 3. Balancing of financial priorities / community benefit inevitably becomes political.
EXTERNAL FACTORS	
OPPORTUNITIES (+)	THREATS (-)
<ol style="list-style-type: none"> 1. ECTC objectives aligned with Council Corporate Plan. 2. Public sector land disposal programmes. 3. Partnerships / Joint ventures with commercial companies and other public sector bodies. 	<ol style="list-style-type: none"> 1. Increasing build costs 2. Current projects show low profit margins to ensure community benefits but this puts company more at risk from market variations. 3. Changing Council priorities can take time to implement on complex development projects. 4. Increasing mortgage interest rates. 5. Cost of Living Crisis.

TITLE: End of Year Reports 2023/24 and Service Delivery Plans 2024/25

Committee: Finance & Assets Committee

Date: 28 March 2024

Author: Director Community

Report No: Y175

Contact Officer:

Sally Bonnett, Director Community

Sally.bonnett@eastcambs.gov.uk, 01353 616451, Room 105, The Grange, Ely

1.0 ISSUE

1.1. To consider the End of Year Reports 2023/24 and Service Delivery Plans 2024/25 for services reporting to Finance & Assets Committee.

2.0 RECOMMENDATION(S)

2.1. Members are requested to note the outcomes in the End of Year Reports 2023/24 and approve the Service Delivery Plans 2024/25 in Appendix 1 for the each of the following services:

- i) Democratic Services
- ii) Economic Development
- iii) Finance
- iv) Human Resources
- v) Infrastructure & Strategic Housing
- vi) Information and Communication Technology
- vii) Legal Services
- viii) Open Spaces & Facilities
- ix) Reprographics
- x) Strategic Planning

3.0 BACKGROUND/OPTIONS

3.1. Service Delivery Plans enable the public and the Council to see what each service area is focusing on in the forthcoming 12 months.

3.2. The end of year reports identify what has been achieved within each service area in the previous 12 months.

4.0 ARGUMENTS/CONCLUSION(S)

4.1. The End of Year Report provides an update against performance measures set in the Service Delivery Plans for 2023/24.

4.2. Each Service Delivery Plan provides an overview of what the service delivers and provides measurable performance outcomes for the year. These outcomes will be

reported to committee in November 2024 and March 2025. The report will include commentary where there is variance from the performance targets.

- 4.3. Members are requested to note the End of Year Reports 2023/24 and approve the Service Delivery Plans 2024/25 in Appendix 1.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from this report.
5.2. Equality Impact Assessment (EIA) not required.
5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1 – 2023/24 End of Year Performance reports and 2024/25 Service Delivery Plans for the following service areas:

- i) Democratic Services
- ii) Economic Development
- iii) Finance
- iv) Human Resources
- v) Infrastructure & Strategic Housing
- vi) Information and Communication Technology
- vii) Legal Services
- viii) Open Spaces & Facilities
- ix) Reprographics
- x) Strategic Planning

Background Documents:

Service Delivery Plans 2023/24

Local Plan Climate Change and Nature Recovery Chapter: Update on Progress

Committee: Finance and Assets Committee

Date: 28 March 2024

Author: Strategic Planning Manager

Report No: Y176

Contact Officer: Richard Ka, Strategic Planning Manager,
richard.kay@eastcambs.gov.uk, Room 12, The Grange, Ely

1.0 ISSUE

- 1.1. To consider the latest Government announcements on plan making and climate change, and consequently determine how to progress preparation of a Climate Change and Nature Recovery Chapter of a future Local Plan.

2.0 RECOMMENDATION(S)

- 2.1. Members are requested to:
- i) Agree to delay consultation on a draft Climate Change and Nature Recovery Chapter of a future Local Plan until greater clarity emerges on Government expectations for climate policies intended to be included in such a chapter; and
 - ii) Reaffirm the intention to progress drafting of such a chapter in line with that agreed at the November 2023 Committee meeting, subject to (a) the outcome of any clarity arising from Recommendation i); and (b) the addition of water as a substantive additional theme for inclusion in the chapter.

3.0 BACKGROUND/OPTIONS

- 3.1. On 23 November 2023, this Committee approved a skeleton outline for a new Local Plan chapter entitled 'Climate Change and Nature Recovery'.
- 3.2. The Committee also requested that a worked-up draft Chapter be brought back to this Committee for the purpose of agreeing it for public consultation.
- 3.3. However, post the 23 November 2023 meeting, significant Government announcements have been made which requires a reconsideration of how we should proceed. A brief summary of these matters are as follows:

Written Ministerial Statement (WMS) "Planning – Local Energy Efficiency Standards Update" - 13 December 2023

- 3.4. Before highlighting the content of this WMS, it is worth remembering that a WMS, once made, is deemed as being 'national policy' in the same way that the National Planning Policy Framework (NPPF) is. However, unlike the NPPF, WMSs are often published without previous warning, so can land in local planning authorities as somewhat a surprise, yet something which must be immediately adhered to. This was the case for this particular WMS, which was released on the same day

as the *Future Homes and Buildings Standards 2023 Consultation* (see second announcement below for details of this).

- 3.5. The WMS explains that it supersedes part of an earlier 2015 WMS, which itself had established energy efficiency requirements and standards for Local Plans, albeit that WMS was widely regarded as being out of date already (though technically a WMS has no end date unless it is officially withdrawn).
- 3.6. This new December 2023 WMS places some very clear expectations on what a local planning authority can do in a Local Plan on the matter of policies relating to climate change and energy efficiency standards, and some very clear expectations on what Planning Inspectors must do when independently examining such Local Plans prior to their adoption.
- 3.7. First, the WMS states that *“the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.”*
- 3.8. Second, should a local planning authority still attempt to set such standards, then:
“Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:
 - *That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
 - *The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).”*
- 3.9. Third, should a local planning authority pass all of the above, then:
“Where plan policies go beyond current or planned building regulations, those policies should be applied flexibly to decisions on planning applications and appeals where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure (for example adequate existing and planned grid connections) and access to adequate supply chains.”
- 3.10. A reasonable interpretation or practical summary of the above is, therefore, perhaps as follows: Government does not want East Cambridgeshire District Council to set planning policies on energy efficiency and on-site renewable energy in the way this Committee expressed its desire to do so in November; but if this Council wants to persist with preparing and hopefully adopting such policies, then the scope for those policies is now very narrow; and thereafter, the policies, if adopted, should be used ‘flexibly’.
- 3.11. Members need to reflect on the above. Taken at face value, there is now considerable risk that any planning policy seeking an uplift to energy efficiency standards or seeking on-site renewables (such as solar panels on roofs) would not pass independent examination (i.e. it would be found ‘unsound’). In addition, even

if it did pass examination, it would have to be applied ‘flexibly’, and there is considerable risk that developers will simply claim ‘supply chain issues’ meaning the policy would effectively become null and void.

- 3.12. However, on the other hand, we are aware of a significant possibility of a legal challenge to the WMS, on the basis that it goes beyond the 2008 Planning Act (which itself explicitly says a Local Plan can go beyond building regulations).
- 3.13. In short, there is considerable uncertainty as to what a Local Plan can now do; or could attempt to do; or how Inspectors will react to proposals. And we must bear in mind that preparing such policies will come at a financial cost, both officer time and specialist consultants evidence support.

Future Homes and Future Buildings Consultation

- 3.14. Also on 13 December 2023, the Government launched *The Future Homes and Buildings Standards: 2023 consultation*. This lengthy document aimed primarily at the Building Control industry, ‘sets out our plans for achieving the Future Homes Standard and Future Buildings Standard. It sets out technical proposals for changes to the Building Regulations’ in relation to the energy efficiency and carbon emissions of new homes and non-domestic buildings.
- 3.15. The consultation closed on 6 March 2024, so of course it is unknown exactly what changes to Building Regulations will come into effect as a consequence. The Government has committed to bringing the final standards into force “from 2025”.
- 3.16. Nevertheless, what is clear is that none of the options consulted upon in the document would extend current building regulations much further than they are today. Indeed, some of the options, if taken forward, will result in higher energy bills for home owners than the present Building Regulations they are to replace, and would not require, for example, solar panels on roofs.

Successful legal challenge against the Secretary of State

- 3.17. To add further uncertainty, on 20 February 2024 an important judgement was handed down by Mrs Justice Lieven in the High Court ([2024] EWHC 359 (Admin)). The case involved a legal challenge by a local campaign group in Oxfordshire against Planning Inspectors in Oxfordshire working on behalf of the Secretary of State. In simple terms, the Planning Inspectors said that West Oxfordshire District Council’s emerging Local Plan was ‘unsound’ because the high energy efficiency standards required by the Plan were not in accordance with national policy. The judge determined that the Inspectors ‘erred in law’ and allowed the challenge. In effect, this judgement seems to suggest that Local Plans are free to set high energy efficiency standards as matter of principle; but the judgement did not stipulate as to what or how far such policies should go.

Net outcome

- 3.18. Members need to balance their already agreed (November 2023) position which was to progress with preparing a progressive Local Plan chapter with high energy efficiency requirements in, with the uncertainty described above, together with the resource implications of continuing to progress despite the increased risks now apparent. Members could decide:

- (i) To press on as per November decision regardless of the above, accepting the risk and uncertainty; or
- (ii) Pause or slow down work (and costs) on preparatory work and consultation, until the picture becomes clearer what our reasonable options are; or
- (iii) Abandon progressing energy efficiency related proposals, at least for the time being (12 months), and reconsider at the point we commence preparation of a new Local Plan as a whole.

3.19. Option (ii) is recommended by officers.

3.20. However, the proposed Chapter is not intended to be one solely about climate change and energy efficiency measures. Members also agreed that the Chapter should include progressive policies relating to nature recovery. Officers see no reason to alter that position, and, indeed, it is pleasing to note that mandatory Biodiversity Net Gain has now commenced, and we are pleased to report that we have successfully, so far, put in place arrangements to deal with the wide-ranging new duties arising.

3.21. Separately, and considerably linked to the issue of climate change and nature recovery, is the matter of water. Cambridgeshire is perhaps uniquely at the forefront of this challenging infrastructure issue, with a severe supply issue starting to prevent growth happening (especially in the Cambridge area, but with reasonable prospects of this spreading further), combined with the ever-increasing threat of increased flooding due to a changing climate (warm, wet winters, with February 2024 being the wettest on record for our region, on top of an already wet winter) and sea level rises (we are on track for at least a 1m increase in the next 70 years, which could have severe consequences for the low-lying land of East Cambridgeshire).

3.22. Whilst tackling this issue will have to be wide ranging, the planning system can play a very important role, whether it be conserving/reducing water use in new built development, storing excess water (e.g. in reservoirs or domestic water butts) or putting in place flood prevention measures.

3.23. Officers have commenced dialogue with peers across Cambridgeshire and with the Environment Agency and Anglian Water/Cambridge Water, to try to establish a shared understanding and evidence base of the issues and the practical town planning solutions which need to be implemented. Part of this package includes attempting to establish template water related policies for our respective Local Plans, so we are all consistent in our approach.

3.24. Members are therefore recommended to agree that, as part of the emerging chapter, the issue of water is also given greater attention and prominence.

General Update on Local Plan preparation

3.25. As a reminder, the Government has, for the past four years, been putting in place a new legislative framework for plan-making. Primary legislation is now complete (The Levelling-Up and Regeneration Act 2023), but the secondary legislation (and supporting guidance) is not yet in place. It therefore remains uncertain when a local planning authority can commence a new style Local Plan, though at the earliest this will be late 2024. It will be for Full Council to decide when we should commence such a full Local Plan update.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. Since November, there has been considerable uncertainty on the scope (if any) for Local Plan policies relating to climate change.
- 4.2. On the basis that the Council has not yet fully commenced a new Local Plan, and instead was only doing early preparatory work on a potential climate and nature recovery chapter, it is recommended that a slight pause or slow down in such preparatory work is agreed, until greater clarity becomes available. This does not prevent the Council from proposing such policies as and when we get to the formal start of preparing a new Local Plan.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no financial implications.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

Background Documents:

Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update
<https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

The Future Homes and Buildings Standards: 2023 consultation
<https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

Levelling-Up and Regeneration Act
<https://www.legislation.gov.uk/ukpga/2023/55/enacted>

Hedgehog Recovery Design Guidance – draft for consultation

Committee: Finance and Assets Committee

Date: 28 March 2024

Author: Strategic Planning Manager

Report No: Y177

Contact Officer: Richard Kay, Strategic Planning Manager,
richard.kay@eastcambs.gov.uk, Room 12, The Grange, Ely

1.0 ISSUE

- 1.1. To approve for public consultation a draft planning policy document relating to hedgehogs, with the aim to assist the recovery of hedgehog numbers as part of new development.

2.0 RECOMMENDATION(S)

Members are requested to approve, for the purpose of public consultation, the draft Hedgehog Recovery Supplementary Planning Document, with such consultation taking place for a minimum of four weeks post May 2024 Police and Crime Commissioner election.

3.0 BACKGROUND/OPTIONS

- 3.1. On 23 November 2023, this Committee approved the principle of preparing a draft Hedgehog Recovery Supplementary Planning Document (SPD). Such a document is intended to form part of a package of initiatives by the Council following the ‘people’s vote’ in summer 2023 which determined that hedgehogs should be the priority species for the council to support.
- 3.2. This agenda item brings to Committee a draft of the SPD for approval. If approved today, it must next be subject to a minimum of four weeks of public consultation, followed by a consideration of the representations received, and then finally adoption by this Committee in the Autumn. Once adopted, it will become a material consideration to be used to assist in decision making on planning applications.
- 3.3. The draft SPD is attached at Appendix 1. It is intentionally a short document, with a single ‘design guide’ style policy, which requests developers to undertake certain simple measures to aid hedgehogs to live and thrive within the new urban development proposed to be created.
- 3.4. The single policy contains a number of measures such as creating ‘hedgehog highways’ via gardens through simple measures such as small holes created at the bottom of fences. For larger developments, the policy seeks wider habitat creation suitable for hedgehogs.
- 3.5. As a reminder, SPDs cannot require developers to do something which they are not already obliged to do via national policy or the Local Plan, but can strongly steer what is expected of developers in order to help developers meet broader

policy requirements. In this case, developers already have, via local and national policy, a broad requirement to protect and enhance biodiversity. This SPD simply takes one species, and identified measures developers could reasonably undertake.

- 3.6. If a developer refuses outright to meet what the SPD asks, then it will be for the decision maker (such as a planning officer or Planning Committee) to determine whether such refusal is unreasonable and whether, as a consequence, the proposal fails to meet the broader policy requirement to support biodiversity. If that conclusion is reached, then a planning refusal could be forthcoming.
- 3.7. Consultation for a minimum four weeks is a legal requirement prior to any SPD being adopted. We intend this to take place during April and May. Thereafter, all representations will be carefully considered, and where necessary adjustments to the document will be made. Committee will then be presented with the final version of the SPD for adoption.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. There is no legal requirement for the Council to prepare and adopt the Hedgehog Recovery SPD. SPDs are an 'optional extra' for each individual local district council to decide whether to prepare them, and if so, on themes of their choosing.
- 4.2. The broad framework for what an SPD can contain, and the process for preparing and adopting them, is set out in national policy and legislation. The draft Hedgehog Recovery SPD is considered to be fully compatible with such policy and legislation.
- 4.3. With such an SPD in place, the expectation is that all new built development will have at least some simple measures in place to assist hedgehogs to live in harmony with humans in urban environments. Indeed, if designed well, urban environments can prove to be a highly effective place for hedgehogs to thrive, with both food supply (such as worms, slugs and invertebrates in gardens) and safety from natural predators (such as badgers). On the other hand, some urban environments, especially those which are highly enclosed and with little natural green space, can prove to be very poor conditions for hedgehog survival.
- 4.4. It is recommended that Committee does put in place this optional Hedgehog Recovery SPD, which has been prepared simply and quickly, and provides reasonable and proportionate expectations for developers to comply with. Whilst the SPD alone will not address the severe decline in hedgehog numbers seen over recent decades, it should assist in the broad Council (and public) desire to see hedgehog numbers stabilise and recover in the district. The SPD should, in its broadest sense, also be seen as part of a package of measures to help 'bring back nature' to East Cambridgeshire.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no financial implications. Preparation and consultation will be undertaken utilising existing internal staff time.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

Appendix

Appendix 1 – Draft Hedgehog Recovery Supplementary Planning Document

Background Documents:

None



East Cambridgeshire
District Council

Hedgehog Recovery Design Guidance Supplementary Planning Document

Published by Strategic Planning

Published in March 2024

Revision due by end 2024 - post consultation

This policy aligns with the following UN Sustainability Goals



Goal 11 Sustainable Cities and Communities



Goal 15 Life On Land

Contents

1.	The purpose of this document	4
2.	Consultation arrangements	5
3.	An introduction to the Hedgehog Recovery Design Guide	6
4.	National and local context	8
	National law	8
	National planning policy	8
	Local planning policy	9
	Justification for supplementary planning policy on hedgehog recovery	9
5.	Policy	10
6.	Implementation	13
	Standard condition for Outline Planning Applications	13
	Enforcement	13

1. The purpose of this document

This Design Guide is a Supplementary Planning Document, which will be used to help make decisions on planning applications. Its primary purpose is to help make sure new development in East Cambridgeshire protects and enhances habitats for hedgehogs, with the particular aim of creating new development which supports the recovery of hedgehog numbers in East Cambridgeshire.

This is a draft document for public consultation. Details of consultation arrangements are on the next page. After consultation, a final document will be prepared and adopted by East Cambridgeshire District Council. It will then be used to assist in the determination of planning applications. We will expect developers to follow this document when preparing their planning applications.

The council already has a Natural Environment Supplementary Planning Document as well as other information relating to Biodiversity Net Gain and has other nature related plans. However, following a public vote in 2023, the people of East Cambridgeshire voted for hedgehogs to receive special attention and focus, with the aim of helping hedgehog numbers recover. Following that public vote, the Council has started a wide-ranging long term campaign to help hedgehogs, and this hedgehog specific Design Guide is just one part of that programme.

We have many hedgehogs in East Cambridgeshire, but like everywhere else in the country, their numbers are in decline, and we need to do all we can to help their numbers recover. One way to do this is to make sure new developments take simple steps which will help hedgehogs thrive in the new communities being built.

We hope many people will be interested in what this document is trying to achieve, but the primary audience for it are all those involved in the planning system. For example, developers, planning officers making decisions on planning applications and local residents or other community groups making representations on planning applications.

This design guide is here to help applicants. There is already a lot of legislation and national policy for you to comply with in terms of the natural environment, and this design guide aims to help you demonstrate how your new development is assisting with nature recovery.



2. Consultation arrangements

We are consulting on this draft Hedgehog Recovery Design Guide Supplementary Planning Document (SPD) between xxx and xxx 2024. We invite you to make comments on this Design Guide, such as (but not limited to):

- whether it is easy to understand or how it can be improved
- whether you think it should include any topic or further advice that currently is not included in the document
- whether you disagree or support what this document is proposing

The consultation is open to anybody to make comments, but the council will make special efforts to seek the views of relevant bodies and organisations with an interest in the natural environment and hedgehogs, as well as developers and agents on the council's 'agents forum' database.

Comments made during this consultation period will be carefully considered. We will make changes in light of these comments where we think it is appropriate. For your comments to be considered, please ensure that they reach us before the deadline.

After the consultation period has expired, we will make the changes that are reasonable and necessary and then the final version of the SPD will be adopted at an appropriate meeting of East Cambridgeshire District Council.

You may submit your comments by:

- email to planningpolicy@eastcambs.gov.uk
- post to the following address, Strategic Planning Team, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE

Please be aware all comments submitted on the design guide will be made available for public inspection. As part of the process, we will also be producing a consultation report which will include a summary of all the comments received and the council's response to these comments.

If you have any questions or queries regarding the draft SPDs consultation please contact the Strategic Planning Team on 01353 665555 or email planningpolicy@eastcambs.gov.uk



3. An introduction to the Hedgehog Recovery Design Guide

Many native animals are under serious threat, one of which is the beloved hedgehog. The hedgehog (*Erinaceus Europaeus*) is now officially classed as ‘vulnerable to extinction’ on the [Red List for British Mammals \(found at www.mammal.org.uk/wp-content/uploads/2020/07/MS_RL20_Britain.pdf, opens in new window\)](http://www.mammal.org.uk/wp-content/uploads/2020/07/MS_RL20_Britain.pdf). We lost at least 46% over the period since the turn of the millennium, and probably around two-thirds or more if we go back to the 1980s, leaving a total population now of just 500,000 remaining. That’s less than 1 hedgehog for every 100 people living in the UK.

It is this rapid decline which is of considerable concern. If the trend continues, they could become extinct within a generation.

Hedgehogs were once a common sight, but are now becoming a rare sighting in much of the country. The East of England, including Cambridgeshire, was once a stronghold for hedgehog numbers, but has seen some of the most severe declines. East Cambridgeshire is no exception. The abundance of hedgehogs in East Cambridgeshire is estimated to be down by well over 50% in the past 20 to 30 years, though long-term data at a district level is not readily available to be certain of the scale of losses.

Both rural and urban hedgehogs are declining, but for a range of reasons. According to Hedgehog Street ([website found at www.hedgehogstreet.org/, opens in a new window](http://www.hedgehogstreet.org/)) the main likely reasons for rural hedgehog decline are:

- widespread use of pesticides reduces the invertebrates hedgehogs eat
- larger field sizes make it difficult for hedgehogs to move around the landscape
- hedgerow management by flailing now leads to hedges with gaps in bases, poor for nesting
- intensive management of pastures with herbicides and fertilizers reduce the amount of invertebrates
- increasing badgers, the main natural predator of hedgehogs, may have an effect where habitat is already degraded
- ploughing which can destroy permanent pastures



According to Hedgehog Street the main likely reasons for urban hedgehog decline are:

- impermeable garden fencing and walls limits the area of connected land available
- gardens lost to car parking or decking directly reduces foraging area
- busy roads causing mortalities, as well as this, they can disrupt dispersal routes for hedgehogs
- new developments usually lacking any connectivity between gardens
- over-management and development destroying hibernation habitats (typically scrubby or brambly areas)
- over-tidy gardening can remove dead wood, replace foraging areas with drives and decking and clear away overgrown corners
- use of pesticides and slug pellets can poison animals and kills the invertebrates that hedgehogs eat (as well as indirect poisoning of hedgehogs via hedgehogs eating poisoned invertebrates)

Following a public vote identifying hedgehogs as the ‘people’s choice’ for special assistance, East Cambridgeshire District Council has committed to a long-term programme of hedgehog recovery in the district, trying to address as much as it can the issues identified above, and working with as many people as possible.

This design guide is just one small part of that overall hedgehog recovery programme. It cannot solve all of the problems identified above, but it can contribute to finding solutions for some of them and especially some of the issues faced by urban hedgehogs.

Via this design guide, we would like to make sure that all new development, from a single house to a new housing estate and from a small business premise to a new business park, do their bit to help encourage the recovery in hedgehog numbers.

The policy in this design guide will assist all those involved in the planning system to recognise the important role they have in creating an environment where hedgehogs can thrive.

This document has been prepared under Town and Country Planning legislation as a supplementary planning document. On adoption, this planning policy document will become a material consideration that will need to be considered when planning decisions are made.



4. National and local context

National law

Hedgehogs are protected by British law under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them. They are also protected in Britain under the Wild Mammals Protection Act (1996), prohibiting cruelty and mistreatment.

They're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41.

More generally, public bodies such as East Cambridgeshire District Council have a duty under the NERC Act 2006 Section 40 to determine such policies and actions in order to further the conservation and enhancement of biodiversity. The section explicitly says that, to achieve that overall aim, 'The action which may be taken by the authority to further the general biodiversity objective includes, in particular, action taken for the purpose of—(a)conserving, restoring or otherwise enhancing a population of a particular species'.

Biodiversity Net Gain, arising from the Environment Act, is also now a key part of the planning system. For the avoidance of doubt, nothing in this design guide should be taken to read as overriding the provisions of the Biodiversity Net Gain Requirements. Whilst it is considered extremely unlikely, if there is ever any conflict arising between this design guide and Biodiversity Net Gain Requirements, then the legal requirements of Biodiversity Net Gain prevail.

National planning policy

The National Planning Policy Framework (NPPF) (2023) is the primary national planning policy document. Whilst this does not refer to hedgehogs specifically, it requires that 'planning policies and decisions should contribute to and enhance the natural and local environment' as a matter of principle, and that development should be 'providing net gains for biodiversity'.

The supporting 'live' [National Planning Policy Guidance \(NPPG\) \(found at \[www.gov.uk/guidance/natural-environment\]\(https://www.gov.uk/guidance/natural-environment\), opens a new window\)](https://www.gov.uk/guidance/natural-environment) provides extensive planning policy guidance on the natural environment, and even explicitly refers to hedgehogs by way of an example of where developers can take action. As stated, 'Relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.'



Local planning policy

The East Cambridgeshire Local Plan 2015 (as amended 2023) is the primary planning policy document for East Cambridgeshire, together with Neighbourhood Plans in those parishes that have decided to prepare a parish-based planning policy document. Hedgehogs are not explicitly referred to in the Local Plan, but Policy ENV7 Biodiversity and Geology includes the following introductory paragraph.

‘Policy ENV7 Biodiversity and Geology

All development proposals will be required to:

- protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds
- provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable
- maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals.’

Justification for supplementary planning policy on hedgehog recovery

There is, therefore, a clear legislative duty placed on East Cambridgeshire District Council to take action to help conserve and enhance biodiversity, together with explicit legislation encouraging some of those actions to be species specific.

Wider legislation recognises the importance of hedgehogs, and their general protection from harm.

There is also clear national and local planning policy identifying the important role the planning system has on enhancing the natural environment and boosting biodiversity.

With such clear national and local legal and policy support, together with a clear locally expressed desire to support hedgehog recovery, there are strong grounds to prepare specific local planning policy to help hedgehog numbers recover via new development.



5. Policy

Unlike some species, hedgehogs can thrive in urban environments. Gardens and public open spaces can provide excellent habitats and feeding opportunities for hedgehogs, as well as being a safe haven from their main natural predator, the badger. Generally speaking, and unlike most urban wildlife, domestic pets such as cats are unlikely to cause hedgehogs too many problems, though sometimes dogs can be a threat, especially for young hedgehogs (hoglets).

However, modern urban areas, such as housing estates and business parks, have placed considerable barriers to hedgehog success.

Newly constructed estates often have boundary fences and walls which encircle properties, preventing hedgehogs from roaming from one garden to another for food (and, typically, hedgehogs need to roam 2km a night for food). Not only do such boundary blockages cause roaming problems in themselves, but it pushes hedgehogs into public highways where there is high risk of road fatalities.

Newly laid out gardens are often devoid of any natural habitats suitable for hedgehog foraging, sleeping or hibernating.

Areas to the side or front of properties are all too often laid out with large areas of tarmac, of no use to a foraging hedgehog. Some rear gardens may have extensive decking provided, further preventing access to foraging areas. In the worst examples, areas of 'grass' are even provided as artificial grass, of no value to hedgehogs (or any other animals for that matter) at all.

To address these issues, the following policy applies.

Policy HR1 – Hedgehog Design Guide

According to the BigHedgehogMap, hedgehogs have been sighted and recorded in virtually every parish across East Cambridgeshire. Developers should therefore work on a precautionary basis and assume that their site has at the very least the potential to be a home and/or foraging ground for hedgehogs.

Site specific surveys which attempt to evidence that no hedgehogs exist on the site shall not be used as evidence to avoid taking action as required by this policy, on the basis that hedgehogs can roam 2km per night and that the whole of East Cambridgeshire is deemed suitable in principle for hedgehogs to be present.

For all residential development, excluding householder applications, the planning application must provide a scheme of hedgehog recovery proposals, irrespective of whether hedgehogs are known to be on site or not.



Such a scheme must:

- a. where hedgehogs are known to be present on site, include a hedgehog management plan which provides a detailed arrangement for the conservation and enhancement of hedgehog habitats on site
- b. identify suitable measures for the construction stage which has the purpose of not disturbing habitats where hedgehogs are known to be located or have a reasonable prospect of being found (even if not found by sight), unless such habitats are proposed to be removed as part of the planning application and in which case reasonable measures be put in place to check for hedgehogs (any unexpected hedgehogs which are found must be appropriately relocated)
- c. identify the type of boundary treatment, with hedging preferred to fencing or walls if possible, such hedging should be native and ideally invertebrate friendly hedging, thereby providing a higher degree of invertebrates for hedgehogs to feed on (examples species include, Hawthorn *Crataegus monogyna*, Yew *Taxus baccata*, Dog Rose *Rosa canina*, Guelder Rose *Viburnum opulus*, Bird cherry *Prunus padus*)
- d. where a wall or fence is to be used as the boundary treatment, insert at least one hedgehog hole along each such boundary wall or fence, with such a hole meeting the standards set out on the 'Hedgehog Holes - Standard Requirements' box below, unless that boundary is directly adjacent to a public road with no meaningful verge or footpath between the road and the boundary treatment
- e. demonstrate how the use of hard standing areas and garden decking is proposed to be kept to a minimum necessary to achieve the desired or required standards, whilst ensuring natural space is also created
- f. avoid all use of artificial grass, unless there is clear evidence why such provision is necessary, such as for health and safety reasons (low maintenance will not be accepted as a reason for installing artificial grass)

For major residential development, the scheme must also:

- g. identify, on any open space provided with the development (that is, not private individual gardens, but could be private shared gardens or more general public open space), an element of hedgehog friendly habitat to be created, such as hedgerow planting, scrub patches and loose (but safe) log piles
- h. identify where hedgehog homes will be installed in suitable locations (that is, within the hedgehog friendly habitat), on a minimum ratio of approximately one such hedgehog home (rounded up) per 20 domestic homes provided as part of the development
- i. Consider, for those development schemes which involve more substantial road infrastructure (such as spine roads or through routes), the installing of underground passes suitable for hedgehogs, especially where such passes would help connect two separate habitats likely suitable for hedgehog habitation and foraging

For non-residential development, the provisions set out above for residential based development proposals equally apply to non-residential development if the circumstances of the site, and the proposed use of the site, provides reasonable prospects for one or more of the above provisions to be achieved.

Hedgehog Holes - Standard Requirements

1. Each hole must be at ground level and must create a gap through the fence or wall of approximately 13cm wide and 13cm high. Larger holes should be avoided, as that will encourage unwanted access by pets such as cats or dogs.
2. Each hole must have an appropriate sign near to the hole to educate the property owner of the purpose of the hole. For example, a small sign with the words 'Hedgehog Highway - please keep open' would be suitable. Such a sign must be made with a durable material.
3. The position of the hole along the boundary should be in a suitable place likely accessible to hedgehogs. For example, it should not be located near drains or other wet areas, nor any area which would require a hedgehog to 'step up' to reach it.

Examples of [Hedgehog Holes can be found at www.hedgehogstreet.org/help-hedgehogs/link-your-garden/](http://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/), opens in new window.



6. Implementation

To ensure the provisions of this design guide are not only considered at the design and decision stage, but are also delivered as the development proceeds, the council intends to insert the following words as a standard condition to any planning approval. However, the council reserves the right to amend the following words, should a particular development scheme warrant it.

Standard condition for Outline Planning Applications

No occupation of the development shall take place until a scheme of hedgehog recovery measures has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be one or both of the following:

- where proposed for public spaces, be installed prior to the first occupation of the development
- where proposed as part of a private garden, be installed prior to the first occupation of the dwelling to which the garden relates

Thereafter, the approved measures shall be maintained for a minimum of 10 years following their installation.

This is to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and in accordance with policy SPD HR1 of the Hedgehog Recovery SPD 2024.

Standard condition for Full Planning Applications

Either:

- a. If the detailed scheme of hedgehog recovery proposals are set out and agreed as part of the full planning permission, then it is likely that a simple cross reference to those proposals will be added as part of the standard condition 'Development shall be carried out in accordance with the drawings and documents listed below...'
- b. If a detailed scheme of hedgehog recovery proposals is not set out or agreed as part of the approved full permission, then it is likely a condition will be added as per the outline planning application standard condition set out above.

Enforcement

The council has a dedicated monitoring and enforcement planning service, making sure that development is built in accordance with the conditions applied to it.

Such enforcement activities are likely to increase in the future, as the council will have wider biodiversity net gain monitoring duties and, where necessary, enforcement of any breaches.

The council is committed to spot checks of all new development to make sure hedgehog recovery measures approved as part of planning applications are delivered, and then maintained in the future.

End of document.

TITLE: Asset Update and Asset Management Plan 2024/25

Committee: Finance & Assets Committee

Date: 28 March 2024

Author: Open Spaces & Facilities Manager

Report No: Y178

Contact Officer:

Spencer Clark, Open Spaces & Facilities Manager

Spencer.clark@eastcambs.gov.uk, 01353 665555, The Grange, Ely.

1.0 ISSUE

1.1. To consider the updated asset spend tracker for 2023/24 and approve the asset planned spend for 2024/25.

2.0 RECOMMENDATION(S)

2.1. Members are requested to:

- i) Note the Corporate Asset Management Plan provided at Appendix 1;
- ii) Approve the Asset Management spend for 2024/25 as detailed in Appendix 2; and
- iii) Note the Asset Management 2023/24 spend to date as detailed in Appendix 3.

3.0 BACKGROUND/OPTIONS

3.1. The spend tracker for 2023/24 is provided at Appendix 3. Members will note that there are number of carry forward items which are proposed to be included in the Asset Management Spend for 2024/25.

3.2. The Corporate Asset Management Plan is provided at Appendix 1. This plan provides a summary of:

- Roles & Responsibilities
- Statutory and Regulatory Framework
- Environmental Performance
- Land and Property Management Information
- Public Open Space Lease and Licence Arrangements
- List of Assets at Appendix A

3.3. In addition to the carry forward from 2023/24 there are new areas of proposed planned spend in 2024/25 which includes resurfacing the roadway at Newnham Street Car Park, Ely, repairs to the lift at The Grange and the refurbishment of the Cloisters Public Convenience, Ely. The proposed expenditure for 2024/25 is provided at Appendix 2.

4.0 ARGUMENTS/CONCLUSION(S)

4.1. Members are requested to:

- iv) Note the Corporate Asset Management Plan provided at Appendix 1;
- v) Approve the Asset Management spend for 2024/25 as detailed in Appendix 2;
- vi) Note the Asset Management 2023/24 spend to date as detailed in Appendix 3; and

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. The spend identified in this report and appendices will be met by the Asset Management budget and Depot Improvement reserve.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) will be considered by the Open Spaces & Facilities Manager where required.

6.0 APPENDICES

Appendix 1- Asset Management Plan 2024/25

Appendix 2- Asset Management Spend for 2024/25

Appendix 3- Asset Management 2023/24 spend to date

Background Documents:

Finance & Assets Committee- 30 March 2023- Assets Update and Assets Management Plan

Corporate Asset Management Plan 2024/25

1.0 Introduction

1.1 The plan details the main types of land and property assets that the Council owns and includes:

- land and properties used to deliver a direct service to the community including parks and openspaces and public car parks;
- properties that support service delivery such as the main offices and depot; and
- 'non-operational' assets which are not used to support service delivery and are held for investment, including commercial properties

The plan does not include other Council assets such as vehicles, plant, equipment, IT, street furniture and fixtures and fittings.

The asset management aims and objectives listed below are identified through the service planning process and are linked to the Council's Corporate Objectives:

- ensure that the Council's land and property assets are managed and maintained efficiently, effectively, are fit for purpose, provide access for all and comply with statutory and regulatory requirements;
- deliver efficiency savings through reducing property running costs;
- undertake a rolling programme of condition surveys for all Council properties to provide information on required maintenance and associated costs;
- deliver the planned maintenance programme for the Council's properties to improve the overall condition of the asset base and maximise its value;
- carry out annual inspections of tenanted properties to ensure tenants compliance with their leasehold obligations for managing maintenance and repairs;
- establish an ongoing collection of property data to assist with the Council's asset management arrangements and inform strategic decisions on the use of land and property assets;
- put in place a programme of land and property reviews and where applicable to challenge the need to retain these assets;

- ensure that Council's properties are operated in a sustainable way, to reduce carbon emissions and to improve energy efficiency where appropriate, in accordance with the Council's ambitions to improve its carbon footprint, which is monitored annually; and
- consult with partners, service users, tenants and staff on the use of the Council's land and property assets.

2.0 **Roles & Responsibilities**

2.1 **Finance & Assets Committee**

The Council's Finance and Asset Committee is responsible for overseeing the Council's asset management function, which includes an annual review of the Corporate Asset Management Plan, monitoring performance of the Council's land and property assets, and making key strategic decisions regarding the purchase of new land and property, large scale refurbishment projects and the disposal of existing land and property.

2.2 **Open Spaces & Facilities**

The Council's Open Spaces and Facilities Manager and the Asset Manager are responsible for the management and development of the Council's asset management arrangements. This includes the day-to-day management of assets, planning and overseeing maintenance work and where appropriate, liaison with staff and tenants on day-to-day asset management issues, including health and safety requirements.

2.3 **Legal and Financial Services**

Legal Services draft lease and licence agreements, assist with the sale and purchase of land and property and provide advice on legal property matters and Section 106 agreements. Legal Services also ensure that contract obligations are met and will take action relating to any default in payments to recover rent, insurance and service charges from the Council's tenants to include civil litigation if required.

Financial Services collect rent, insurance and service charges from the Council's tenants. Financial Services also arrange for annual impairment valuations to be carried out on the Council's land and property assets as part of the end of year accounting arrangements.

3.0 **Statutory and Regulatory Framework**

The Council has a duty to ensure that land and property under its control complies with relevant statutory and regulatory standards, which includes a wide range of health and safety responsibilities that fall on property owners or occupiers. To meet these obligations the Council must ensure that regular

checks are carried out and that control measures are in place and recorded to ensure compliance. The Council must also ensure that appropriate periodic inspections and testing of systems and equipment is in place in accordance with relevant legislation, approved codes of practice and/or British Standards.

Other statutory and regulatory requirements relevant to asset management are set out below:

3.1 Air-Conditioning Systems

Under the Energy Performance of Buildings Directive, all air-conditioning systems with a combined rated output of more than 12 kW should be inspected by an energy assessor at regular intervals, which must not exceed 5 years. The inspection will highlight measures which, if undertaken, will help to save energy and operating costs.

The Council has arrangements in place for air conditioning inspections to be carried out where required and an annual maintenance schedule for all air-conditioning units within Council premises.

3.2 Asbestos

The 'Control of Asbestos Regulations 2012' places a statutory duty on the Council to manage asbestos in non-domestic premises owned or leased by the Council, in order to protect those who work in such premises, or use them in other ways, from the risks of ill-health that the exposure to asbestos causes.

The Council must also ensure that information is provided on the location and condition of the asbestos to anyone liable to work on or disturb any asbestos containing material.

To ensure compliance, the Council has had asbestos surveys completed for all Council properties. The surveys have located and recorded, as far as is reasonably practicable, the areas where asbestos is present, the extent and types of asbestos products present, and determined the risk of anyone being exposed to fibres from the asbestos products found.

Where asbestos has been found the Council has prepared a plan that sets out in detail how the risks from these materials will be managed and records the location and condition of the asbestos-containing material. All identified asbestos-containing materials have been labelled and arrangements are in place for the condition of the material to be monitored annually.

3.3 Car Parking and Pedestrian/Vehicle Segregation

The 'Workplace (Health, Safety and Welfare) Regulations 1992' covers the layout of traffic routes, traffic management systems and the provision of

adequate signage.

To ensure the safety of people who use the Council's car parks, risk assessments are carried out and regularly reviewed to assess the traffic movement within the car park, pedestrian/vehicle segregation and whether routes are adequately signed.

3.4 Control of Substances Hazardous to Health (COSHH)

The 'Control of Substances Hazardous to Health Regulations 2002' place a duty on employers to control the risks to employees and others, which arise from exposure to substances hazardous to their health that are associated with the employers' work activities.

The Council will ensure that it identifies, assesses and where possible prevents or adequately controls the risks to health from hazardous substances used in or created by workplace activities so as to prevent ill health.

3.5 Construction, Design and Management Regulations (CDM)

Construction, Design and Management Regulations applies to all commercial construction work that involves projects that last more than 30 days or involve 500-person days of construction work. The regulations place a legal duty on virtually all involved in the work, including the client, designer, principal contractor, other contractors and workers who are known as 'duty holders'. All of the duty holders have specific roles and responsibilities during the project.

3.6 Equalities Act 2010

Under the legislation, the Council is required to make reasonable adjustments to its premises to overcome physical barriers to access and ensure that, as far as possible, a disabled person is treated in the same way as a non-disabled person. The Council works closely with the Access Group to ensure that proposed changes meet the most up to date requirements.

The Council also supports the National Key Scheme run by RADAR the Disability Network that offers disabled people independent access to locked public conveniences by providing RADAR keys to use the Council's disabled public conveniences.

3.7 Fixed Electrical Installations

The 'Electricity at Work Regulations 1989' state that all electrical systems and equipment used in the working environment should be in a safe condition and maintained to prevent danger. The Health and Safety Executive recommends that to comply with the regulations, an appropriate

system of periodic visual inspection and testing by a competent person should be implemented at all places of work and is likely to include all Council commercial and residential premises, unless responsibility has been accepted by the tenant through the terms of the signed lease or tenancy agreement.

The Council has a programme of formal inspections, testing and routine checks in place for the electrical installations for all relevant properties. The frequency of inspection and testing is determined taking into account:

- the type of installation;
- its use and operation;
- the frequency and quality of maintenance; and
- the external influences to which it is subjected.

The frequency is further guided by the Council's electrical contractor's judgment based on the findings of their inspection and also with reference to the inspection and testing guidance notes contained within the IEE Wiring Regulations 18th Edition.

Where tenants have responsibility for fixed installation inspection and testing the Council will record the date that the inspection and testing is due and the tenant will be required to provide a test certificate to show that the installation has passed as satisfactory.

3.8 Portable Appliance Testing

The 'Provision and Use of Work Equipment Regulation 1998' (PUWER) covers the safe provision and use of all work equipment including portable electrical appliances.

The Council keeps an inventory of all portable appliances and will carry out the inspection and testing of this equipment based on the code of practice issued by The Institution of Engineering and Technology.

3.9 Fall Arrest Systems

The 'Working at Height Regulations 2005' requires the Council to ensure that equipment for work at height is properly inspected and maintained.

The Council has a fall arrest system installed at its E-space North property to provide for safe roof access. A service contract is in place for the fall arrest system to be inspected and serviced annually.

3.10 Lighting Protection

Protection against lightning falls within the responsibilities of the 'Health and

Safety at Work Act 1974'.

In accordance with the British Standard Code of Practice for 'BSEN 62305:2011 'Lighting Standard Protection' lightning protection is required where:

- large numbers of people congregate;
- essential public services are concerned;
- the area is one in which lightning is prevalent;
- there are very tall or isolated structures;
- there are structures of historic or cultural importance; and
- there are structures with explosive or flammable contents.

The following Council's properties have lightning protection systems in place and these are inspected and tested at fixed intervals;

- E-space Business Centres; and
- The Maltings.

3.11 Fire

The 'Regulatory Reform (Fire Safety) Order 2005' places general fire safety duties on the Council where the premises are under its control or the person who has control of the premises as occupier, to ensure that the workplace contains adequate fire precautions, as determined by completion of a fire safety risk assessment.

The Council has recorded its fire and evacuation plans and procedures and this information is detailed in a Fire Logbook held at each Council property. These plans and procedures are reviewed regularly as part of the Council's fire safety arrangements and include annual fire risk assessments, training for Fire Wardens, fire drills and the inspection, testing and maintenance of fire protection equipment.

The Council will expect its tenants to comply with the 'Regulatory Reform (Fire Safety) Order 2005' and ensure that the premises they occupy are equipped with appropriate fire-fighting equipment, fire detectors and alarms and that these are adequately maintained. All tenants are also required to provide the Council with a copy of their completed fire risk assessments.

The fire alarm systems at the following Council properties are linked to an alarm-receiving centre that will contact the Fire and Rescue Services if an alarm is triggered. This ensures that the Fire and Rescue Services will be able to respond immediately when the alarm is triggered:

- The Grange;
- Ely Museum;
- Oliver Cromwell House;
- Portley Hill Depot; and
- E-space Business Centres

3.12 **Emergency lighting**

Emergency lighting should be installed in a building to provide a degree of illumination in the event that normal lighting fails. In terms of fire safety, the most important component of emergency lighting is the 'escape lighting', which is provided to illuminate escape routes to an extent sufficient to enable occupants to evacuate the building in safety.

The Council has arrangements in place for the inspection and testing of emergency lighting, this is carried out on a monthly, six monthly and annual basis in accordance with current guidelines.

3.13 **Fuel Oil Storage**

The 'Control of Pollution (Oil Storage) Regulations 2001' covers the storage of oil at industrial and commercial premises where the amount stored is more than 200 litres and it is stored outside and above ground level.

The Council has a diesel storage tank, and a heating oil storage tank at its Portley Hill Depot site. These tanks, bunds and associated pipework are checked for signs of damage on a regular basis with a more detailed annual inspection and service carried out by qualified inspectors to ensure that any potential defects are found and rectified.

3.14 **Gas Safety**

The 'Gas Safety (Installation and Use) Regulations 1998' place a duty on the Council to ensure any gas appliance, associated pipe work and flues in the work places are maintained in a safe condition.

The Council has arrangements in place to ensure that periodic routine maintenance is carried out on gas appliances, pipe work and flues by a 'Gas Safe' registered engineer.

3.15 **Lifts and Hoists**

Under the 'Lifting Operations and Lifting Equipment Regulations 1998' (LOLER) the Council has a legal responsibility to ensure that any lifts and hoists on their premises are thoroughly examined and safe to use.

The following Council properties have lifts and/or hoists;

- E-space North Business Centre;
- The Maltings;
- Ely Museum and
- The Grange

The Council has arrangements in place to ensure that a qualified lift engineer

examines all lifts every six months in Councils Operated buildings and in addition, the Council's insurers also carry out six monthly inspections of all Council owned lifts and hoists.

3.16 Play Equipment

Playground equipment carries a high risk and is covered by the following British Standards:

- playground equipment (BS 5696),
- play surfaces (BS 7188 and 7044); and
- outside play areas (BS5696).

The Council carries out weekly inspections of all its play areas and the Council's insurers also carry out six monthly inspections.

3.17 Structural Streetlight Column Testing- Technical Requirement 22 (TR22)

The TR22 is a technical requirement of all street lighting owners whereby they need to ensure that there are regular visual inspections by a competent person of their columns to ensure that any defects are noted and addressed.

3.18 Tree Safety

As well as responsibilities under the 'Health and Safety at Work Act 1974', the Council as an occupier of land where a tree stands has responsibilities under the 'Occupiers Liability Act 1957 and 1984'. An occupier of land on which a tree stands will normally be liable for any personal injury or other damages caused by a tree breaking or falling where a tree is hazardous, because of decay or structural weakness and shows external signs of being in such a condition.

The Council's Tree Officers will carry out an overall assessment of risks from trees on Council land, which helps to identify whether further checks or inspections are required.

3.19 Use of Contractors

Contractors who are required to undertake work on Council's land and/or property will be appointed in accordance with the Council's procurement procedures.

Where appropriate the Council will use 'Constructionline', the government national database of assessed contractors and consultants, when appointing construction suppliers. 'Constructionline' provides a comprehensive database of accredited suppliers along with pre-qualification information to ensure that suppliers comply with relevant national standards.

Where necessary the Council will check that contractors have the appropriate qualifications and registrations including 'Gas Safe' or the National Inspection Council for Electrical Installation Contractors (NICIEC) for work in connection with gas and electrical installations.

Health and safety requirements will be included in contracts and when awarding contracts consideration will also be given to the health and safety performance of contractors along with risk assessments and accident records. The Council will ensure that contractors have a current health and safety policy where they have 5 or more employees and also that they have public and employer's liability insurance in place.

The Council will provide contractors with appropriate health and safety information so that work can be done safely. This will include information about the workplace, specific hazards, precautions and details of the Council's health and safety arrangements.

3.20 Waste Management

The 'Construction Products Regulations 1991' dictate that oil separators are fitted to surface water drainage systems where there is a risk of oil contamination to protect the environment from pollution.

The Council has oil separators installed in a number of its public car parks and Traveller's sites and has arrangements in place to ensure that these are emptied on an annual basis.

To comply with the 'Hazardous Waste Regulations 2005' the Council is registered as a producer of hazardous/special waste to dispose of waste from oil separators.

3.21 Water Hygiene and Safety

Under the 'Control of Substances Hazardous to Health Regulations 2002' (COSHH) pathogenic bacteria, including Legionella are deemed to be "substance hazardous to health". The Council has a duty to identify and assess the sources of risk, prepare a course of action for preventing or controlling the risk and implementing and managing the scheme.

The Council has carried out risk assessments to determine if the water systems including the equipment associated with the systems such as pumps and showers are likely to create a risk.

4.0 Environmental Performance

The Council is committed to managing its land and properties in an environmentally sustainable way and to improving the energy efficiency of all its properties.

The Council has implemented a number of energy saving measures, including the following:

- purchase of green electricity produced from sources that produce a minimal negative impact upon the environment;
- installation of photovoltaic solar panels in some public conveniences to provide hot water;
- fitting low volume spray taps on hand basins and water saving devices to WC's;
- use of solar control film to reduce solar heat gain;
- fitting photocells to switch off interior lights when daylight is adequate;
- fitting passive infra-red presence detectors to allow automatic control in areas that are not in permanent use;
- installing time controllers to allow heating and water to be turned off or down during unoccupied periods;
- installation of thermostatic radiator valves;

When air conditioning or heating systems are replaced the Council will use energy efficient systems to provide a more cost effective and environmentally friendly solution to save on energy costs and reduce its carbon footprint.

The Council also has an Environmental Policy aimed at adopting environmentally friendly working practices as part of the management and maintenance of its land.

4.1 Energy Performance Certificates

Energy Performance Certificates have been introduced to help improve the energy efficiency of buildings. They are required when a building is built, sold or rented out and the Council must provide a copy to prospective tenants before any tenancy agreement is signed.

The certificate is valid for ten years and provides 'A' to 'G' ratings for the building with 'A' being the most energy efficient and 'G' being the least, with average now being 'D'.

The certificate also includes recommended measures that could improve a building's energy performance and the Council intends to implement these where possible.

4.2 Display Energy Certificates

Display Energy Certificates are required to raise public awareness of energy use and to inform visitors to public buildings about the energy use of a building.

Display Energy Certificates are required for buildings with a gross floor area over 500 m² and are valid for 10 years.

Display Energy Certificates for buildings with a gross floor area over 1000m² are valid for one year and need to be updated annually.

The Council's main offices had an energy rating of 'D' in 2021

5.0 **Land and Property Management Information**

5.1 **Asset Register**

To comply with financial reporting requirements the Council's Financial Services team maintain an asset register that includes details on vehicles, plant, equipment, IT, street furniture, fixtures and fittings, as well as land and property assets.

In addition to the asset register, the Council's Facilities Management Service are finalising comprehensive corporate asset management database and as part of this will collate and update on an ongoing basis, information on all Council land and property assets. The database will assist with day-to-day land and property management and detail information on use, sufficiency, suitability, condition and compliance with statutory regulations. The information will also be used to assist with the asset management programme, help identify potential efficiencies and inform decisions about investment and disposal of land and property.

The asset management information will also:

- identify costs associated with owning and maintaining each property;
- record land and property data including values, condition and maintenance requirements;
- record management information details including site and building layout plans, area photos and service contract details; and
- record lease agreement information to include length of term and termination notice period, any break clause rights, rent review arrangements, service charges and insurance payments.

5.2 **Property Terrier**

The Council records all of its land and property ownership interests on a 'Geographical Information System' (GIS) known as the 'Property Terrier'. The database contains both spatial and factual information relating to each individual ownership or lease.

5.3 **Registration of Land Holdings**

The Council has registration of all land holdings in its ownership with the Land Registry and this up-to-date information will be recorded on the Council's GIS Property Terrier system.

6.0 **Public Open Space**

6.1 **Section 106 Agreements**

Section 106 of the Town and Country Planning Act 1990 allows the Council to enter into a legally-binding agreements or planning obligations with landowners in association with the granting of planning permission. As part of the Section 106 agreement the landowner is required to provide contributions towards the provision of infrastructure and community facilities required as a result of the development taking place.

The expectation is that planning obligations will be focused on delivering affordable housing, on-site infrastructure required by a development scheme (including open space), on-going maintenance charges, and specific mitigation measures to enable particular developments to come forward. Financial contributions can also be provided to the Council in lieu of on-site open space provision for residential developments.

6.2 Adoption of Public Open Space

As part of the Council's planning policy relating to new residential developments it will look to secure on-site provision of new informal open space and play areas. Where a site is too small for meaningful provision, the Council will seek a financial contribution in lieu of public open space.

Developers may make their own arrangements for the maintenance of open space or look to transfer ownership and future maintenance to the Council.

Where developers wish to transfer ownership and future management of public open space and/or play areas to the Council they will be required to pay a commuted sum based on a rate of charges, that is updated on an annual basis, to cover the cost of future maintenance costs.

These charges have recently been reviewed to ensure that they reflect the actual cost of maintaining public open space.

Given the costs associated with maintaining public open space, the Council may look to the developer to agree adoption and maintenance with the local Parish or Town Council, if possible, to keep revenue costs to a minimum. The developer may also give consideration to appointing a management company or alternatively it could establish a Trust comprised of residents/householders to manage the public open space. The Council would need to be assured of the long-term viability of this option.

Where the developer has gone into liquidation, and no enforcement action can be taken against the developer or their successors in title, the Council will consider the following matters before deciding whether to take ownership of the land:

- operational and cost implications
- existing provision of local open space and/or children's play space; and
- land value/development opportunities

6.3 Access/Rights of Way

The Council may give an easement that grants permission to allow access and/or a right of way over its land. An easement creates an interest that runs with the land and passes to successors in title.

A licence may also be used to grant permission to allow access and/or a right of way over Council land. Unlike an easement, a licence does not create an interest in the land and can be terminated on terms and/or the agreed notice under that licence.

7.0 Lease and Licence Agreements

Lease and license agreements will set out the length of term, rent, rent deposit (if any), appropriate service charges, insurance payments and any other outgoings that the tenant will be responsible for under the agreement.

Where applicable break clauses will also be included in lease and licence agreements to provide the Council with the opportunity to review existing terms such as rental levels.

Where rent review dates are in place, tenants will be contacted six months before the review date and advised accordingly.

Lease and license agreements will clearly state the tenants repairing obligations and these will be appropriate to the length of term and the condition of the premises.

The lease and license agreements will state that tenants are obliged to give the premises back at the end of the agreement in the same condition as it was on occupation. Tenants will be provided with a schedule of condition, to include photographic evidence to ensure that any liabilities for dilapidations can be determined at the end of the tenancy agreement. Six months before the termination date the Council will provide a schedule of dilapidations to enable tenants to carry out any works.

A list of the Council's assets is provided at Appendix A.

ASSET	TENURE
Commercial Property	
e-Space North, 181 Wisbech Road, Littleport, Cambridgeshire, CB6 1RA	Lessor - Land & Building
e-Space South, 26 St Thomas' Place, Ely, Cambridgeshire, CB6 4EX	Freehold - Land & Building
Unit 6, Cambridgeshire Business Park, Ely, Cambridgeshire, CB7 4EX	Lessor - Land & Building
Unit 8, Cambridgeshire Business Park, Ely, Cambridgeshire, CB7 4EX	Lessor - Land & Building
The Dock, Angel Drove, Ely, Cambridgeshire, CB7 4DT	Lessor - Land Only
The Dock, Angel Drove, Ely, Cambridgeshire, CB7 4GA	Lessor- Land Only
70 Market Street, Ely, Cambridgeshire, CB7 4LS	Leased
74 Market Street, Ely, Cambridgeshire, CB7 4LS	Leased
72 Market Street, Ely, Cambridgeshire, CB7 4LS	Leased
Car Parking	
Barton Road Car Park, Ely, Cambridgeshire, CB7 4HZ	Freehold - Land only
Barton Road Car Park, Ely, Cambridgeshire, CB7 4HZ	Freehold - Land only
Clay Street, Soham, Ely, Cambridgeshire, CB7 5HJ	Freehold - Land only
Fisherman's Car park, Willow Walk, Ely, Cambridgeshire, CB7 4AT	Freehold - Land only
Broad Street, Ely, Cambridgeshire, CB7 4BD	Freehold - Land only
Fountain Lane, Soham, Cambridgeshire, CB7 5ED	Lessee - Land only
Main Street, Littleport, Ely, Cambridgeshire, CB6 1HE	Freehold - Land only
Ship Lane, Ely, Cambridgeshire, CB7 4BB	Freehold - Land only
The Causeway, Burwell, CB25 0DU	Lessee - Land Only
The Dock, Angel Drove, Ely, Cambridgeshire, CB7 4DT	Freehold - Land only
St Mary's Street, Ely, Cambridgeshire, CB7 4ES	Freehold - Land only
Cambridgeshire Business Park, Angel Drove, Ely, Cambridgeshire, CB7 4EX	Freehold - Land only
Newnham Street, Ely, Cambridgeshire, CB7 4PE	Freehold - Land only
Main Street, Littleport, Ely, Cambridgeshire, CB6 1PH	Lessor - Land & Building
Willow Walk, Ely, Cambridgeshire, CB7 4AT	Freehold - Land only
Orchard Estate, Little Downham, Ely, Cambridgeshire, CB6 2TU	Freehold - Land only
Littleport Station, Station Road, Littleport, Ely, Cambridgeshire, CB6 1JL	Freehold - Land only
Cambridgeshire Business Park, Angel Drove, Ely, Cambridgeshire, CB7 4EX	Freehold - Land only
Berristead Close, Wilburton, Ely, Cambridgeshire, CB6 3RS	Freehold - Land only
Service Assets	
Portley Hill Depot, Ely Road, Littleport, Ely, Cambridgeshire, CB6 1RT	Lessor - Land & Building

	The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE (including car park)	Freehold - Land & Building
	Substations	
	Cambridgeshire Business Park, Angel Drove, Ely, Cambridgeshire, CB7 4EX	Lessor - Land only
	Garages	
	St Johns Road, Ely, Cambridgeshire, CB6 3BG	Lessor - Land & Buildings
	Open Spaces and Play Areas	
Ashley	Silhalls Close, Ashley, Newmarket, Cambridgeshire, CB8 9DZ	Freehold - Land only
Ashley	Silverly Way, Ashley, Newmarket, CB8 9DY	Freehold - Land only
Bottisham	Ancient Meadows, Tunbridge Lane, Bottisham, Cambridge, CB25 9AX	Freehold - Land only
Brinkley	Beechcroft, Brinkley, Newmarket, CB8 0SH	Lessor - Land only
Brinkley	Beechcroft, Brinkley, Newmarket, CB8 0SH	Freehold - Land only
Brinkley	Old School Lane, Brinkley, Newmarket, Cambridgeshire, CB8	Freehold - Land only
Burrough Green	Hartfield Road, Burrough Green, Newmarket, Cambridgeshire, CB8 0RF	Freehold - Land only
Burwell	Bloomsfield (off Isaacson Rd), Burwell, Cambridge, CB25 0RA	Land only
Burwell	Chestnut Rise, Burwell, Cambridge, CB25 0BX	Freehold - Land only
Burwell	Garden Court, Burwell, Cambridge, CB25 0DH	Freehold - Land only
Burwell	Westhorpe, Burwell, Cambridge, CB25 0DQ	Freehold - Land only
Burwell	Westhorpe & Martin Road, Burwell, Cambridge, CB25 0DQ	Freehold - Land only
Burwell	Green Lane, Burwell, Cambridge, CB25 0RA	Freehold - Land only
Burwell	Grantchester Rise, Burwell, Cambridge, CB25 0BE	Freehold - Land only
Burwell	Bloomsfield (off Isaacson Rd), Burwell, Cambridge, CB25 0RA	Freehold - Land only
Burwell	Bloomsfield (off Isaacson Rd), Burwell, Cambridge, CB25 0RA	Freehold - Land only
Cheveley	Spurling Close, Cheveley, Newmarket, CB8 9RJ	Freehold - Land only
Coveney	School Lane, Coveney, Ely, Cambridgeshire, CB6 2DB	Freehold - Land only
Dullingham	The Crescent, Dullingham, Newmarket, CB8 9UY	Freehold - Land only
Dullingham	Bakehouse Hill, Dullingham, Newmarket, Cambridgeshire, CB8 9XJ	Freehold - Land only
Ely	Open Space, Newnham Street, Ely	Freehold land only
Ely	Morely Drive, Ely Cambridgeshire, CB6 3FQ	Freehold - Land only
Ely	Morely Drive, Ely Cambridgeshire, CB6 3FQ	Freehold - Land only
Ely	Willow Walk, Ely, Cambridgeshire, CB7 4AT	Freehold - Land only
Ely	Williams Close, Ely CB7 4FQ	Freehold - Land only
Ely	Kingsley Walk, Ely, Cambridgeshire, CB6 3BZ	Freehold - Land only
Ely	Tennyson Place (off Beresford Rd), Ely, Cambridgeshire, CB6 3WF	Freehold - Land only

Ely	John Amner Close, Ely, Cambridgeshire, CB6 1DU	Freehold
Ely	Sandys Crescent, Littleport, Ely, Cambridgeshire, CB6 1LP	Freehold - Land only
Ely	Archery Crescent, Ely, Cambridgeshire, CB7 4HQ	Freehold - Land only
Ely	Chequer Lane, Ely, Cambridgeshire, CB7 4LN	Freehold - Land only
Ely	Cromwell Road, Ely, Cambridgeshire, CB6 1AS	Freehold - Land only
Ely	Palace Green, Ely, Cambridgeshire, CB7 4EW	Lessee - Land only
Ely	Paradise Recreation Ground, Newnham Street, Ely, Cambridgeshire, CB7 4PQ	Lessor - Land Only
Ely	Saffron Close, Littleport, Ely, Cambridgeshire, CB6 1HR	Freehold - Land only
Ely	Springhead Lane, Ely, Cambridgeshire, CB7 4QY	Freehold - Land only
Ely	Stour Green, Ely, Cambridgeshire, CB6 2WX	Freehold - Land only
Ely	Wissey Way, Ely, Cambridgeshire, CB6 2WW	Freehold - Land only
Ely	Cardinals Way, Ely, Cambridgeshire, CB7 4GB	Freehold - Land only
Ely	High Barns, Ely, Cambridgeshire, CB7	Freehold - Land only
Ely	Jubilee Gardens, Broad Street, Ely, Cambridgeshire, CB7 4BJ	Freehold - Land only
Ely	Morley Drive, Ely, Cambridgeshire. CB6 3FQ	Freehold
Ely	Alexander Chase (off Beresford Rd), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	Abbotts Way, Ely, Cambridgeshire, CB6 3AJ (also backs on to Columbine Rd)	Freehold - Land only
Ely	Fitzgerald Close, Ely, Cambridgeshire, CB7 4QD	Freehold land only
Ely	Land at front of The Maltings, Ship Lane, Ely, Cambridgeshire, CB7 4BB	Freehold - Land only
Ely	New Barns Avenue, Ely, Cambridgeshire, CB7 4RD	Freehold - Land only
Ely	Morely Drive, Ely Cambridgeshire, CB6 3FQ	Freehold - Land Only
Ely	Dunstan Street, Ely, Cambridgeshire, CB6 3AQ	Freehold - Land only
Ely	Brooke Grove (of Beresford Rd) Ely, Cambridgeshire, CB6 3WT	Freehold - Land only
Ely	Tennyson Place (off Beresford Rd), Ely, Cambridgeshire, CB6 3WF	Freehold - Land only
Ely	Teasel Drive, Ely, Cambridgeshire, CB6 3WJ	Freehold - Land only
Ely	Land rear of Cambridge Road, Ely, Cambridgeshire, CB7	Freehold - Land only
Ely	The Park (Cherry Hill), Broad Street, Ely, Cambridgeshire, CB7 4JU	Lessee - Land Only
Ely	Bentham Way, Ely, Cambridgeshire, CB6 1BS	Freehold - Land only
Ely	Land west of The Maltings, Ship Lane, Ely, Cambridgeshire, CB7 4BB	Freehold - Land only
Ely	Three Cups Walk, Ely, Cambridgeshire, CB7 4AN	Freehold - Land only
Ely	Mill Field, Sutton, Ely, Cambridgeshire, CB6 2QB	Freehold - Land only
Ely	Compton Fields, Ely, Cambridgeshire, CB6 1ED	Freehold - Land only
Ely	Beresford Road, Ely, Cambridgeshire, CB6 3WA	Freehold - Land only

Ely	Alexander Chase (off Beresford Rd), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd adj 45a&b), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	St Johns Road, Ely, (Murfitt Cl), Cambridgeshire, CB6 3FQ	Freehold - Land only
Ely	Gateway Gardens, Ely, Cambridgeshire, CB6 3DE	Freehold - Land only
Ely	Pegasus Walk, Ely, Cambridgeshire, CB7	Freehold - Land only
Ely	Land adjacent to The Maltings, Ship Lane, Ely, Cambridgeshire, CB7 4BB	Freehold - Land only
Ely	Land at the Maltings, Riverside, Ely, Cambridgeshire, CB7 4BB	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	Fitzgerald Close, Ely, Cambridgeshire, CB7 4QD	Freehold - Land only
Ely	Cam Drive/Wissey Way, Ely, Cambridgeshire, CB6 2WH	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd adj 12), Ely, Cambridgeshire CB6 3SN	Freehold - Land only
Ely	Benedict Street, Ely, Cambridgeshire, CB6 3AU	Freehold - Land only
Ely	Kingsley Walk, Ely, Cambridgeshire, CB6 3BZ	Freehold - Land only
Ely	The Vineyards, Ely, Cambridgeshire, CB7 4QG	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd adj 17), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	Quayside (Slipway), Ely, Cambridgeshire, Cb7 4BA	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	Willow Walk, Ely, Cambridgeshire, CB7 4AT	Freehold - Land only
Ely	Cam Drive, Ely, Cambridgeshire, CB6 2WH	Freehold - Land only
Ely	Queen Emma Walk, Ely, Cambridgeshire, CB6 1BY	Freehold - Land only
Ely	St Ovins Green, Ely, Cambridgeshire, CB6 3AN	Freehold - Land only
Ely	Debden Green, Ely, Cambridgeshire, CB6 3BS	Freehold - Land only
Ely	Fitzgerald Close, Ely, Cambridgeshire, CB7 4QD	Freehold-Land only
Ely	Collier Close (off Beresford Rd), Ely, Cambridgeshire, CB6 3WX	Freehold - Land only
Ely	Cresswells Pocket Park, Cresswells Lane, Ely, Cambridgeshire, CB7 4PF	Freehold - Land only
Ely	Alexander Chase (off Beresford Rd), Ely, Cambridgeshire, CB6 3SN	Freehold - Land only
Ely	St Johns Road, Ely (Morley Dr), Cambridgeshire, CB6 3FQ	Freehold - Land Only
Ely	St Johns Rd, Ely, Cambridgeshire, CB6 3BE	Freehold - Land only
Ely	Land between St Johns Road, Ely and Witchford Road, Ely, Cambridgeshire, CB6 3EN	Freehold - Land only
Ely	The Paddocks, Coppergate, Lynn Road, Ely, Cambridgeshire	Freehold - Land only
Ely	Abbotts Way, Ely, Cambridgeshire, CB6 3AJ	Freehold - Land only
Ely	Fitzgerald Close, Ely, Cambridgeshire, CB7 4QD	Freehold - Land only
Ely	Fitzgerald Close, Ely, Cambridgeshire, CB7 4QD	Freehold - Land only

Ely	Meadow Way, (land NW side of St Johns Rd) Ely, Cambridgeshire, CB6 3EX	Freehold - Land only
Ely	Lisle Lane, Ely (former EA land)	Freehold- Land only
Haddenham	Linden Way, Haddenham, Ely, Cambridgeshire, CB6 3UG	Freehold - Land only
Haddenham	Cherry Orchard, Haddenham, Ely, Cambridgeshire, CB6 3UF	Freehold - Land only
Haddenham	Northumbria Close, Haddenham, Cambridgeshire, CB6 3HT	Freehold Land only
Isleham	Limestone Close, Isleham, Ely, Cambridgeshire, CB7 5RP	Freehold - Land only
Isleham	Festival Road, Isleham, Ely, Cambridgeshire, CB7 5SY	Freehold - Land only
Kennett	The Close, Kennett, Newmarket, CB8 7RA	Freehold - Land only
Little Thetford	The Wyches, Little Thetford, Ely, Cambridgeshire, CB6 3HG	Lessor - Land Only
Little Thetford	New Close Road, Little Thetford, Ely, Cambridgeshire, CB6 3HQ	Freehold - Land only
Littleport	Parsons Lane, Littleport, Ely, Cambridgeshire, CB6 1JU	Land only
Littleport	Queens Road, Littleport, Ely, Cambridgeshire, CB6 1LA	Freehold - Land only
Littleport	Kingsmead Court, Littleport, Ely, Cambridgeshire, CB6 1LR	Freehold - Land only
Littleport	Kirby Cross Avenue, Littleport, Ely, Cambridgeshire, CB6 1LH	Freehold - Land only
Littleport	Woodfen Road/Gilbert Road, Littleport, Ely, Cambridgeshire, CB6 1JP	Freehold - Land only
Littleport	Upton Place, Littleport, Ely, Cambridgeshire, CB6 1LE	Freehold - Land only
Littleport	Gilbert Road, Littleport,Ely, Cambridgeshire, CB6 1JZ	Freehold - Land only
Littleport	Ponts Hill, Littleport, Ely, Cambridgeshire, CB6 1PZ	Freehold - Land only
Littleport	Parsons Lane, Littleport, Ely, Cambridgeshire, CB6 1JU	Freehold - Land only
Littleport	Longfield Road, Littleport, Ely, Cambridgeshire, CB6 1LB	Freehold - Land only
Littleport	Wisbech Road, Littleport, Ely, Cambridgeshire, CB6 1JJ	Freehold - Land only
Littleport	Anchor Court, Littleport, Cambridgeshire, CB6 1NL	Freehold - Land only
Littleport	Longfield Road, Littleport, Ely, Cambridgeshire, CB6 1LB	Freehold - Land only
Littleport	Wisbech Road, Littleport, Ely, Cambridgeshire, CB6 1LB	Freehold - Land only
Littleport	Old Church Yard, Church Lane, Littleport, Ely, Cambridgeshire, CB6 1PS	Freehold - Land only
Lode	Long Meadow Lane, Lode, Cambridge, CB25 9HA	Freehold - Land only
Lode	Fairhaven Close, Lode, Cambridgeshire, CB25 9HG	Freehold - Land only
Mepal	River Close, Mepal, Ely, Cambridgeshire, CB6 2AN	Freehold - Land only
Mepal	River Close, Mepal, Ely, Cambridgeshire, CB6 2AN	Freehold - Land only
Mepal	Meadow Way, Mepal, Ely, Cambridgeshire, CB6 2GJ	Freehold - Land only
Newmarket	Peterhouse Drive, Newmarket, Suffolk, CB8 8AT	Freehold - Land only
Newmarket	Stretton Avenue, Newmarket, CB8	Freehold - Land only
Newmarket	New Cheveley Road, Newmarket, Cambridgeshire, CB8 8BS	Freehold - Land only

Soham	Orchard Row, Soham, CB7 5AY	Freehold - Land only
Soham	Chestnut Drive, Soham, Cambridgeshire, CB7 5FW	Freehold
Soham	Cornwell Close, Soham, CB7 5GX	Freehold - Land only
Soham	The Crescent, Soham, Ely, Cambridgeshire, CB7 5AG	Freehold - Land only
Soham	Cornmills, Soham, Ely, Cambridgeshire, CB7 5AT	Lessor - Land only
Soham	Kingfisher Drive (off Townsend), Soham, Ely, Cambridgeshire, CB7 5GP	Freehold - Land only
Soham	Cyprian Rust Way, Soham, Ely, Cambridgeshire. CB7 5ZE	Freehold- Land only
Soham	Cornmills, Soham, Ely, Cambridgeshire, CB7 5AT	Freehold - Land only
Soham	Calfe Fen Close (off Bancroft Lane), Soham, Ely, Cambridgeshire, CB7 5GD	Freehold - Land only
Soham	Kingfisher Drive (off Mereside), Soham, Ely, Cambridgeshire, CB7 5GP	Freehold - Land only
Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Ennion Close, Soham, Cambridgeshire, CB7 5GU	Freehold - Land only
Soham	Kingfisher Drive (off Mereside), Soham, Ely, Cambridgeshire, CB7 5GP	Freehold - Land only
Soham	Station Road, Soham, Ely, Cambridgeshire, CB7 5DZ	Freehold - Land only
Soham	Kingfisher Drive (off Townsend), Soham, Ely, Cambridgeshire, CB7 5DE	Freehold - Land only
Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Heron Croft, Soham, Ely, Cambridgeshire, CB7 5UT	Freehold - Land only
Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Aspen Way, Soham, Cambridgeshire, CB7 5ZQ	Freehold - Land only
Soham	Teal Avenue, Soham, Ely, Cambridgeshire, CB7 5UX	Freehold - Land only
Soham	Heron Croft, Soham, Ely, Cambridgeshire, CB7 5WA	Freehold - Land only
Soham	Between Heron Croft & Thorn St, Soham, Ely, Cambridgeshire, CB7 5WA	Freehold - Land only
Soham	Bittern Grove, Soham, Ely, Cambridgeshire, CB7 5FR	Freehold - Land only
Soham	Kingfisher Drive (nr Redshank), Soham, Ely, Cambridgeshire, CB7 5GP	Freehold - Land only
Soham	Teal Avenue, Soham, Ely, Cambridgeshire, CB7 5UX	Freehold - Land only
Soham	North Drive, Soham, Ely, Cambridgeshire, CB7 5UD	Freehold - Land only
Soham	West Drive Crescent, Soham, Ely, Cambridgeshire, CB7 5EB	Freehold - Land only
Soham	West Drive, Soham, Ely, Cambridgeshire, CB7 5EA	Freehold - Land only
Soham	Herbert Human Close, Soham, Ely, Cambridgeshire, CB7 5ZT	Freehold - Land only
Soham	Julius Martins Lane, Soham, Ely, Cambridgeshire, CB& 5EH	Freehold - Land only
Soham	Thorn Street, Soham, Ely, Cambridgeshire, CB7 5FS	Freehold - Land only
Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Eastern Avenue, Soham, Cambridgeshire, CB7 5JF	Freehold - Land only

Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Brewhouse Lane, Soham, Ely, Cambridgeshire, CB7 5JE	Freehold - Land only
Soham	Lapwing Way, Soham, Ely, Cambridgeshire, CB7 5GE	Freehold - Land only
Soham	Kingfisher Drive, Soham, Ely, Cambridgeshire, CB7 5GP	Freehold - Land only
Soham	Chestnut Drive, Soham, Cambridgeshire, CB7 5FW	Freehold
Stetchworth	Strollers Way, Stetchworth, Newmarket, Cambridgeshire, CB8 9TZ	Freehold - Land only
Stetchworth	Adj 61 Strollers Way, Stetchworth, Newmarket, Cambridgeshire, CB8 9TZ	Licence - Land only
Stretham	The Crofters, Stretham, Ely, Cambridgeshire, CB6 3NF	Freehold - Land only
Sutton	Brookside, Sutton, Ely, Cambridgeshire, CB6 2PT	Freehold - Land only
Sutton	Brookside, Sutton, Ely, Cambridgeshire, CB6 2PT	Freehold - Land only
Sutton	Brookside, Sutton, Ely, Cambridgeshire, CB6 2PT	Freehold - Land only
Sutton	The Brook/Vermuyden Gardens, Sutton, Ely, Cambs, CB6 2QR	Freehold - Land only
Sutton	Mill Field, Sutton, Ely, Cambridgeshire, CB6 2QB	Freehold - Land only
Sutton	Churchill Close, Sutton, Ely, Cambridgeshire, CB6 2QF	Freehold - Land only
Sutton	Churchill Close, Sutton, Ely, Cambridgeshire, CB6 2QF	Freehold - Land only
Sutton	The Orchards, Sutton, Ely, Cambridgeshire, CB6 2PX	Freehold - Land only
Sutton	Churchill Close, Sutton, Ely, Cambridgeshire, CB6 2QF	Freehold - Land only
Sutton	Mill Field, Sutton, Ely, Cambridgeshire, CB6 2QB	Freehold - Land only
Sutton	The Brook/Vermuyden Gardens, Sutton, Ely, Cambs, CB6 2QR	Freehold - Land only
Sutton	The Brook/Vermuyden Gardens, Sutton, Ely, Cambs, CB6 2QR	Freehold - Land only
Swaffham Bulbeck	Maryland Avenue, Swaffham Bulbeck, Cambridge, CB25 0LT	Freehold - Land only
Swaffham Prior	Green Head Road, Swaffham Prior, Cambridge, CB25 0JT	Freehold - Land only
Wentworth	Main Street, Wentworth, Ely, Cambridgeshire, CB6 3QG	Freehold - Land only
Wicken	The Crescent, Wicken, Ely, Cambridgeshire, CB7 5XN	Freehold - Land only
Wilburton	Berristead Close, Wilburton, Ely, Cambridgeshire, CB6 3RS	Freehold - Land only
Witcham	Westway Place, Witcham, Ely, Cambridgeshire, CB6 2LG	Freehold - Land only
Witchford	East side of Orton Drive, Witchford, Cambridgeshire, CB6 2XE	Freehold - Land only
Witchford	Ward Way, Witchford, Ely, Cambridgeshire, CB6 2JR	Freehold - Land only
Witchford	Ward Way, Witchford, Ely, Cambridgeshire, CB6 2JR	Freehold - Land only
Witchford	Victoria Green, Witchford. Ely, Cambridgeshire, CB6 2XB	Freehold - Land only
	Land and Buildings	
	Downham Road (Football Club), Ely, Cambridgeshire, CB6 2SH	Lessor
	Former Mepal Outdoor Centre, Chatteris Rd, Mepal, CB6 2AZ	Freehold Land

The Maltings, Ship Lane, Ely, Cambridgeshire CB7 4BB	Lessor - Land & Buildings
The Hive, 15 Ely Leisure Village, Downham Road, Ely, Cambridgeshire, CB6 2FE	Lessor - Land & Building
Ely Leisure Village, Downham Road, Ely, Cambridgeshire, CB6 2FE	Freehold - Land only
Paradise Sports Centre , Newnham Street, Ely, Cambridgeshire, CB7 4PQ	Lessor - Land & Building
Maltings Cottage, Ship Lane, Ely, Cambridgeshire, CB7 4BA	Lessor - Land & Building
Oliver Cromwell House, 29 St Mary's Street, Ely, Cambridgeshire, CB7 4HF	Freehold Land & Building
Newnham Street, Ely, Cambridgeshire, CB7 4PQ	Freehold - Land & Buildings
Downham Road, Ely, Cambridgeshire, CB6 2SH	Freehold - Land only
Ely Museum, The Old Gaol House, 4 Lynne Road, Ely, Cambridgeshire, CB7 4EG	Lessor -Land & Building
Moorings- Commercial	Lessor
Public Conveniences	
Fountain Lane, Soham, Cambridgeshire, CB7 5ED	Lessee - Building only
Main Street, Littleport, Ely, Cambridgeshire, CB6 1HE	Freehold - Land & Building
Palace Green, Ely, Cambridgeshire, CB7 4EW	Freehold - Land & Building
The Cloisters,Market Place, Ely, Cambridgeshire, CB7 4ZH	Leasee - Land & Buildings
Ship Lane, Ely, Cambridgeshire, CB7 4BB	Freehold - Land & Building
Barton Road Car Park, Ely, Cambridgeshire, CB7 4HZ	Freehold - Land only
Residential Rental	
Cemetery Lodge, Ely CB7 4PW	Freehold
Wentworth Traveller's Site, Staples Field, Church Road, Wentworth, CB6 3QE	Lessor - Land & Building
Earith Bridge Traveller's Site	Leased from CCC
Burwell Traveller's Site	Leased from CCC
Road/Footpath/Verges/Visibility Splays	
Footpath- Parsonage Close, Burwell, Cambridge, CB25 0ER	Freehold - Land only
Footpath- Cutter Corner (Land off Annesdale/Victoria Street), Ely, Cambridgeshire, CB7 4BN	Freehold - Land only
Road- Cambridgeshire Business Park, Angel Drove, Ely, Cambridgeshire, CB7 4EX	Freehold - Land only
Shelter- High Street, Brinkley, Suffolk, CB8 0SF	
Market Place, Ely, Cambridgeshire, CB7 4NT	Market Rights
Elmside Road, Littleport, Cambridgeshire, CB6 1LJ	Land only
Footpath- Longfields, Ely, Cambridgeshire, CB6 3DN	Freehold - Land only
Footpath- Manor Court Road, Witchford, Ely, Cambridgeshire, CB6 2JW	Land only
St Catherines, Ely, Cambridgeshire, CB6 1AP	Freehold - Land only
Steward Close, Stuntney, Cambridgeshire, CB7 5TW	Road

Road- Foxwood site, Soham, Cambridgeshire, CB7 5TQ	Freehold - Land only
Road- Manor Close, Witchford, Ely, Cambridgeshire, CB6 2JB	Freehold - Land only
Verge- The Medway, Ely, Cambridgeshire, CB6 2WU	Freehold - Land only
Visibility Splay- West Drive Gardens, Soham, Ely, Cambridgeshire, CB7 5EF	Freehold - Land only
Visibility Splay- Beechwood Avenue, Bottisham, Cambridge, CB25 9BD	Freehold - land only
Visibility Splay-Orchard Estate, Little Downham, Ely, Cambridgeshire, CB6 2TU	Freehold - Land only
Visibility Splay- Orchard Estate, Little Downham, Ely, Cambridgeshire, CB6 2TU	Freehold - Land only

Asset Management Budget

Appendix 2

Asset	Budgeted Expenditure	Nature of Work	Actual Expenditure	Notes
Public Car Parks				
	50,000.00	Replacement Drainage Gullies Newnham Street		Formal quotes being sought
	25,000.00	Resurfacing of Roadway at Newnham Street		Formal quotes being sought
Total Public Car Parks	75,000.00		0.00	
Closed Churchyards				
	£4,000.00	Burwell Church Lower section Limewash		Due to commence in Summer (weather dependent)
	42,000.00	Cheveley Closed Churchyard wall repairs b/fwd		In Progress as the works are weather dependent
Total Closed Churchyards	46,000.00		0.00	
Littleport Depot				
	543,500.00	Depot Improvement Plan	480,549.00	
Total Littleport Depot	543,500.00		480,549.00	
Play Areas				
Total Play Areas	0.00		0.00	
Public Conveniences				
	5,000.00	Annual Deep Cleaning of all Public Toilets		
	15,000.00	Refurbishment of Cloisters		
Total Public Conveniences	20,000.00		0.00	
Public Footpaths/Open Spaces				
	5,000.00	Reactive work budget for street lighting		
Total Public Footpaths/Open Space	5,000.00		0.00	
The Grange				
		The annexe lift		Quotes being sought, cost not known
Total The Grange	0.00		0.00	
70 Market Street, Ely				
	9,000.00	Installtion of secondary double glazing		£18,000 phased over 2 years at £9,000 per annum
Total 70 Market Street, Ely	9,000.00		0.00	
72 and 74 Market Street, Ely				

Asset Management Budget

	15,000.00	Installation of secondary double glazing	3 year programme of £45,000 with £15,000 a year required
Total 72 Market Street, Ely	15,000.00		0.00

Asset Management Budget

Cemetery Lodge				
Total Cemetery Lodge	0.00		0.00	
Ely Museum				
	1,000	Annual Gutter Cleaning		
Total Ely Museum	1,000.00		0.00	
St Johns Road Garages				
	5,000.00	Budget for reactive works where necessary		
Total St Johns Road Garages	5,000.00		0.00	
The Old Barn, Littleport				
Total The Old Barn, Littleport	0.00		0.00	
Mepal Outdoor Centre				
	11,471.40	Site security cameras		
Total Mepal Outdoor Centre	11,471.40		0.00	
Other				
Total Other	0.00		0.00	

Total Budgeted Expenditure	730,971.40	Spend to Date	480,549.00
Asset Management Budget	170,194.00		
Depot Reserve	543,500.00		
Contribution from S106/Other	30,000.00		

Asset Management Budget

Appendix 3

Asset	Budgeted Expenditure	Nature of Work	Actual Expenditure	Notes
Public Car Parks				
	4,000.00	White Lining after resurfacing	54,750.00	Works completed
	42,500.00	Forehill Car Park surface repairs		
	1,500.00	St Marys wall repair	8,540.00	Completed
	7,500.00	St Marys renewal / repair of aco drains	32,900.00	Completed
	15,000.00	Replacement Drainage Gullies Newnham Street		Obtaining quotes- carryforward to 2024/25
Total Public Car Parks	70,500.00		96,190.00	
Closed Churchyards				
	£4,000.00	Burwell Church Lower section Limewash		Due to commence in Summer (weather dependent) carryforward to 2024/25
	500.00	Burwell Wall repair - missing clunch	135.00	Completed
	42,000.00	Cheveley Closed Churchyard wall repairs b/fwd		In Progress and to be carried to 2024/25 as the works are weather dependant
		Littleport Church - repair damaged wall & lamp column	948.28	Completd
		Swaffham Prior replacement post and rail fencing	3,867.60	Completed
Total Closed Churchyards	46,000.00		4,950.88	
Littleport Depot				
	543,500.00	Depot Improvement Plan	480,549.00	Original Budget of £543,500 with £295,000 allocated for 2023/24. Spend to date £480,549. Th remainder to be carried to 2024/25
Total Littleport Depot	543,500.00		480,549.00	
Play Areas				
		Country Park New Flag Pole	1,840.00	Completed
Total Play Areas	0.00		1,840.00	
Public Conveniences				
	6,000.00	Annual Deep Cleaning of all Public Toilets	4,768.00	Completed
	5,000.00	Refurbishment as identified		Carried to 2024/25
Total Public Conveniences	11,000.00		4,768.00	
Public Footpaths/Open Spaces				

Asset Management Budget

	10,000.00			No identified need for replacement. Carry a budget to 2024/25 to manage any unidentified issues
Total Public Footpaths/Open Space	10,000.00	Streetlight stability testing	0.00	
The Grange				
	1,500.00	Gutter clearing	3,545.00	Completed
		Exit Barrier works - replacement motor	3,068.78	Completed
		Leaking roof repairs	7,693.61	Completed
Total The Grange	1,500.00		14,307.39	
Travellers Sites				
Total Travellers Site	0.00			
Unit 6 St Thomas Place				
Total Unit 6 St Thomas Place	0.00		0.00	
Unit 8 St Thomas Place				
Total Unit 8 St Thomas Place	0.00		0.00	
70 Market Street, Ely				
	7,000.00	Installtion of secondary double glazing		Quotes received carryforward to 2024/25
Total 70 Market Street, Ely	7,000.00		0.00	
72 Market Street, Ely				
	9,000.00	Installation of secondary double glazing		Quotes received carryforward to 2024/25
	5,000.00	Decoration and minor alterations if required for new tenant	4,500.00	Complete
Total 72 Market Street, Ely	14,000.00		4,500.00	
74 Market Street, Ely				
	8,500.00	Installation of secondary double glazing		Quotes received carryforward to 2024/25
	10,000.00	Decoration and repairs to external windows	5,285.49	Completed
Total 74 Market Street, Ely (Registry Office)	18,500.00		5,285.49	

Asset Management Budget

Cemetery Lodge				
	12,505.00	External decoration (+Scaffold Hire)	12,505.00	Completed
	5,000.00	Minor roof repairs	1,785.00	Completed
Total Cemetery Lodge	17,505.00		14,290.00	
Ely Museum				
	1,000	Annual Gutter Cleaning	733.75	Completed
	200.00	EPC		Completed
Total Ely Museum	1,200.00		733.75	
St Johns Road Garages				
	10,000.00	Replacement garage door programme ongoing		No identified need in 2023/24. Carryforward an element of the budget to deal with requests that may come forward
		Clearance of drainage gullies	1,107.00	Completed
Total St Johns Road Garages	10,000.00		1,107.00	
The Old Barn, Littleport				
	200.00	EPC		
Total The Old Barn, Littleport	200.00		0.00	
Mepal Outdoor Centre				
	11,471.40	Site security cameras		Paid Monthly installments
Total Mepal Outdoor Centre	11,471.40		0.00	
Other				
	11,000.00	The Sluice refurbishment	13,568.05	Completed
		White lining of Riverside edge	600.00	Completed
		Riverside Emergency brickworks	3,434.20	Completed
Total Other	11,000.00		17,602.25	
Periodic Inspections, Surveys, Valuations & Misc. Projects				
Total Misc. Projects	0.00		0.00	
Valuation of Assets (end of year financial accounts)				
Total Valuation of Assets	0.00		0.00	

Total Budgeted Expenditure	773,376.40	Spend to Date	646,123.76
Asset Management Budget	170,194.00		
Depot Reserve	543,500.00		

TITLE: WHISTLEBLOWING POLICY

Committee: Finance & Assets Committee

Date: 28 March 2024

Author: Director Legal & Monitoring Officer

Report No: Y179

Contact Officer: Maggie Camp

Director Legal & Monitoring Officer

maggie.camp@eastcambbs.gov.uk 01353 616277, Room No 112 The Grange, Ely

1.0 ISSUE

1.1. To seek approval of the Council's Whistleblowing Policy.

2.0 RECOMMENDATION(S)

2.1. Members are requested to approve the attached Whistleblowing Policy.

3.0 BACKGROUND/OPTIONS

3.1. The Whistleblowing Policy sets out how staff can raise any serious concerns that they have about a Council activity and are assured that they have protections under the safeguards of the policy to do so.

3.2. All staff will be made aware of the new policy via email that will include a link to the policy on the Council's intranet.

4.0 ARGUMENTS/CONCLUSION(S)

4.1. The Council's Whistleblowing Policy was last reviewed in December 2014 by the Corporate Governance and Finance Committee and has now been reviewed, updated and put into an accessible format.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

5.1. There are no additional financial implications arising from this report.

5.2. Equality Impact Assessment (EIA) not required.

5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Whistleblowing Policy

Background Documents:

Whistleblowing Policy Version 12/2014



East Cambridgeshire
District Council

Whistleblowing Policy

Written by the Director Legal and Monitoring Officer

Published in March 2024

Contents

1.	Introduction to whistleblowing	page 4
2.	The aims of this policy	page 5
3.	The scope of this policy	page 5
4.	Concerns that should be reported	page 6
5.	Anonymous or untrue allegations	page 7
6.	Safeguarding and confidentiality	page 8
7.	Raising a concern	page 9
8.	Response from the council	page 10
9.	Taking the matter further	page 12
10.	Independent advice	page 13
11.	Summary	page 14

1. Introduction to whistleblowing

- 1.1. East Cambridgeshire District Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life in all of its practices. Employees play an important role in achieving this goal and we expect everyone to be committed to our high standards of service based on the principles of honesty, openness and accountability.
- 1.2. The council expects all its employees (including any agency staff) to maintain these high standards and to help achieve these standards, it encourages freedom of speech.
- 1.3. In this policy, ‘whistleblowing’ means the reporting by people who work in or for, or on behalf of an organisation of suspected misconduct, illegal acts or failure to act within the council. This could be concern about a possible fraud, illegal activity, dangerous or other serious risk that may threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation.
- 1.4. Whistleblowing can make a valuable contribution to the council’s efficiency and long-term success because employees are often best placed to know when the interests of the public are being put at risk, or to act as an early warning system on matters of health and safety, or to help uncover fraud and mismanagement. Employees and others that we deal with (including suppliers and those providing services to the council) are therefore encouraged to report any wrongdoing by the council or its employees that fall short of these principles, that is they are encouraged to ‘whistleblow’.
- 1.5. To help achieve these standards of honesty, openness and accountability, freedom of speech is vital. The council takes malpractice and wrongdoing in relation to the organisation’s procedures and actions very seriously. It is our aim to ensure that as far as possible, our employees can whistleblow and tell us about any wrongdoing at work, which they believe has occurred or is likely to occur.
- 1.6. We appreciate that deciding to raise a concern is difficult and the council is sensitive to this. However, there should be no reason to remain silent because any employee or worker who makes a report under this Whistleblowing Policy, who does so in the reasonable belief that the disclosure they are making is in the ‘public interest’, will not be subject to any detriment. Further, employees who report wrongdoing within the workplace are also protected by the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013).

2. The aims of this policy

2.1. We recognise that employees may not always feel comfortable about discussing their concerns within the council, especially if they believe the council itself is responsible for the wrongdoing.

2.2. The aim of this policy is therefore to:

- ensure that the council investigates and deals with disclosures fairly, promptly and properly
- help employees feel confident in raising serious concerns and to question and act upon any concerns about council practices
- help employees feel safe with the knowledge that their concerns will be taken seriously and treated as confidential
- reassure employees that they will be protected from possible reprisals or victimisation, subsequent discrimination or disadvantage for whistleblowing in good faith, irrespective of the outcome
- ensure that concerns are dealt with and that employees are aware of how to take the matter further if they are dissatisfied with the council's response.

3. The scope of this policy

3.1. This policy is intended to enable those who become aware of wrongdoing in the council affecting some other person or service, to report their concerns (whistleblow) at the earliest opportunity so that they can be properly investigated.

3.2. Personal issues relating to terms and conditions of employment are not covered by this policy. Complaints and grievances are also dealt with differently. The council has several internal policies and procedures which allow employees to raise concerns about employment related and other issues.

3.3. Employees should use existing provisions where appropriate (see the list at paragraph 3.4). However, if using one of these options may cause problems at work, the whistleblowing service provides an alternative channel through which concerns can be raised with or without being identified (see paragraph 5.).

3.4. This policy is not intended to replace the following existing procedures:

- Employee Code of Conduct
- Equality, Diversity and Inclusion Policy
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Protocol on Member/Officer relations
- Anti-Fraud and Corruption Strategy

- Dignity at Work Policy and Procedure
- Responding to Customer Comments, Compliments and Complaints
- Members' Code of Conduct
- Data Breach Information and Procedures
- Child and Adults at Risk Safeguarding Policy

4. Concerns that should be reported

- 4.1. Any serious concerns about service provision or the conduct of officers or members of the council or others acting on behalf of the council that:
- make you feel uncomfortable in terms of known standards
 - are not in keeping with the council's constitution and policies
 - fall below established standards of practice
 - display improper behaviour
- 4.2. These serious concerns might relate to:
- conduct which is an offence or a breach of the law
 - a criminal offence which has been, is being or is likely to be committed
 - suspected fraudulent activity
 - miscarriages of justice
 - health and safety risk to either employees or the public
 - racial, sexual, disability or other discrimination
 - dangerous issues or working practices
 - conduct which has led or could lead to damage to the environment, that is inappropriate disposal of waste
 - showing undue favour over a contractual or employment matter
 - sexual, physical or verbal abuse of clients, employees and others
 - a breach of standing orders or financial regulations

- a breach of codes of conduct
- possible fraud/bribery or corruption
- unauthorised use of public funds or other assets
- improper and unethical conduct
- concealment of any of the above

This list is not exhaustive but intended to illustrate the range of issues which could be raised under this policy.

5. Anonymous or untrue allegations

- 5.1. Although allegations can be raised anonymously, whistleblowers are encouraged to put their name to any allegations whenever possible, as this adds greater weight and makes it easier to protect them and give feedback.
- 5.2. Anonymous allegations are more difficult to investigate and are generally less powerful. Further, the council cannot provide protection to a person whose identity they do not know. It also becomes difficult to judge whether the individual raised the concern in the public interest or maliciously.
- 5.3. The council will decide whether to consider anonymous allegations depending on:
 - the seriousness of the issue
 - the credibility of the concern and/or whether based on the information provided, it can sufficiently investigate the concern
- 5.4. Action will not be taken against an employee if they make an allegation which they genuinely believed to be true but is not confirmed by investigation.
- 5.5. Appropriate disciplinary or legal action may be taken if an employee makes a false or malicious allegation that they know is untrue.

6. Safeguarding and confidentiality

- 6.1. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act and the Enterprise and Regulatory Reform Act 2013), protects employees who report wrongdoing within the workplace. The council is required to have a Whistleblowing Policy and to ensure its employees are not victimised or dismissed for raising their concerns internally.
- 6.2. Any concerns raised will be treated in the strictest confidence. The council will do its best to protect the identity of staff who whistleblow and respect their confidentiality so far as possible, however, there may be times when we cannot guarantee this, for example, where a criminal offence is involved or if there are child protection or adult safeguarding issues.
- 6.3. The council will also do its best to ensure the whistleblower's identity is not disclosed to third parties. Information will not be disclosed unless the law allows or compels the council to do so (for example, in order to comply with a court order). The council is unable to guarantee that others will not try to deduce (correctly or otherwise) a person's identity.
- 6.4. In line with the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act and the Enterprise and Regulatory Reform Act 2013), the council undertakes that no employee who makes a report under this procedure and who has a reasonable belief that the disclosure they are making is in the 'public interest', will be subjected to any detriment as a result. The fact that there needs to be 'reasonable belief' does not mean that their belief must be correct for the protection to apply.
- 6.5. This means the council will not tolerate any harassment or victimisation (including any informal pressures) nor any attempt to apply a sanction, or any other detriment, to a person who has reported any serious and genuine concern that they have of any apparent malpractice. If an employee does suffer detrimental treatment because they 'blew the whistle', they can complain to the Employment Tribunal and seek compensation for the loss suffered.
- 6.6. In the event that a whistleblower believes they are being subjected to a detriment by any person within the council as a result of their decision to invoke the procedure, they must inform the Monitoring Officer or their line manager immediately and appropriate action will be taken to protect them from any reprisals.
- 6.7. The council encourages whistleblowers to put their name to their allegation as this gives weight to the case and helps with the investigation of the issue. However, they may seek to remain anonymous if they wish. All information is held in the strictest confidence and the council will seek to protect the identity of any employee as far as possible.
- 6.8. It is important to note that for allegations of such a serious nature, it may be necessary for the whistleblower's identity to be revealed. This may be because of the need for the identity to be revealed as part of the evidence.

Moreover, if the matter is brought to court, a judge may order a name is divulged. The council will do everything possible to protect anonymity before this stage is reached and will discuss with the whistleblower before embarking on any course of action whereby their identity will be disclosed. Please note though that once action is initiated, notwithstanding a desire for anonymity and the council's aim of protecting that anonymity, it may simply not be possible to achieve this.

- 6.9. A whistleblower may bring a friend or colleague to any meeting arranged in connection with the concern raised as long as the friend or colleague is not involved in the matter and agrees to maintain confidentiality. Additionally, a whistleblower may be accompanied by a trade union representative. It will be up to the whistleblower to arrange this.
- 6.10. It is emphasised that whistleblowers have nothing to fear by raising their concerns. Provided they are acting in reasonable belief that they are acting in the public interest, it does not matter if they are mistaken. However, disciplinary action may be taken against any member of staff who is discovered to have made allegations frivolously, falsely or maliciously, for example, to pursue a personal grudge against another employee.
- 6.11. The council will try to ensure that any negative impact of either a malicious or unfounded allegation about a person is minimised.

7. Raising a concern

Appendix 1 consists of the whistleblowing process with further guidance provided at Appendices 2 and 3 of this policy.

- 7.1. As a first step, your concerns should normally be raised with your line manager.
- 7.2. However, depending on the seriousness and sensitivity of the issues involved and if management is thought to be involved in the wrongdoing, you may prefer (for whatever reason) to approach one of the following:
- The Monitoring Officer (Maggie Camp)
 - The Chief Executive (John Hill)
- 7.3. Concerns can be raised:
- in writing addressed to The Monitoring Officer
 - in writing addressed to “Confidential Whistleblowing” at the Council Offices
 - using the online form on the council’s Intranet
 - by ringing Maggie Camp, the Monitoring Officer (01353 616277)
 - by secure internal email (WhistleBlowing@eastcamb.gov.uk)
 - in writing to Internal audit – Rachel Ashley-Caunt, Chief Internal Auditor, Rachel.Ashley-Caunt@northnorthants.gov.uk or 07799 217378
 - in writing to External audit – Mark Hodgson, Partner, Ernst & Young LLP, MHodgson@uk.ey.com or 07541 346507

8. Response from the council

- 7.4. Remember the earlier you express your concern, the easier it is for the council to act. You should not wait until you have proof. Although you are not expected to prove the truth of the allegation, you will need to demonstrate to the person contacted that there are grounds for your concern.
- 7.5. Any personal interest in the matter should be disclosed at the outset.
- 7.6. An informal approach to any of the above officers will be treated as completely confidential and will not result in a report to anyone within the council, unless you agree.
- 7.7. If you know that the matter you wish to raise is also of concern to your colleagues you can discuss the matter with them first. A concern raised by two or more employees will add weight to allegations that may be made.
- 7.8. Although the matter may be raised directly with a specific person or group, they may need to refer the matter onto a more appropriate person, specialist or organisation.
- 7.9. Employees have the right to be accompanied by a trade union representative, any other professional representative or friends during any meetings or interviews.
- 7.10. Initial concerns may be raised orally or in writing, although it is preferable to put your concern in writing. You should give as much detail as possible, which should include the background and history of the concern, giving names, dates, and places where possible and the reason why you are particularly concerned about the situation.
- 8.1. In order to protect the individual and the council, the Monitoring Officer, who has the authority to act independently, will deal with the initial investigation to decide whether a full investigation is appropriate and, if so, what form it should take.
- 8.2. If the concern raised involves the Monitoring Officer, the Chief Executive will initially deal with the allegation and will nominate a responsible employee, for example an alternative Investigating Officer, to conduct initial enquiries with the same authority that the Monitoring Officer would have.
- 8.3. During the initial enquiry, the Monitoring Officer or Investigating Officer will:
- determine the factors that gave rise to the suspicion
 - examine factors to determine whether any irregularity has occurred, for example any incident of action that is not part of the normal operation of the system or the expected course of events, and where necessary, carry out discreet enquiries with staff and/or review documents.
- 8.4. Following the initial investigation, it may be that some concerns can be resolved by agreed action without the need for a full investigation. If urgent action is required, this would be taken before any full investigation is completed.
- 8.5. Within 10 working days of a concern being raised, and following the initial investigation, the Monitoring Officer or Investigating

Officer will write to the person raising the concern:

- acknowledging that the concern has been received
- indicating the initial findings and how he/she proposes to deal with the matter and/or giving an estimate of how long it will take to provide a final response

8.6. If it is impossible for the initial investigation to be completed within 10 working days, or where urgent action is required, the situation will be explained in the letter of acknowledgement. Where a decision is made that a full investigation will take place, the reasons for this will be provided. The council will aim to complete the full investigation within 28 working days.

8.7. If a full investigation is required, this will be carried out by the council internally or the council may ask another body to carry it out. Following the full investigation, the council will either resolve by agreed action or take appropriate further action. This further action could be:

- agreed steps such as disciplinary process
- referral to the police
- an independent enquiry

8.8. The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If

necessary, further information may be sought from the person raising the concern. Notwithstanding the initial acknowledgement, you will be kept informed of the progress and outcome of the action and reasons for any decisions, subject to any legal constraints.

8.9. The council will take appropriate steps to minimise any difficulties, which an employee may experience due to raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the council will need to inform them and consider what steps are required to provide support.

8.10. The council recognises that there may be matters that cannot be dealt with internally and external authorities will need to become involved. Where this is necessary, the council reserves the right to make such a referral without your consent.

8.11. In dealing with any allegations, the Monitoring Officer or Investigating Officer will ensure that those officers involved in the allegation ,who would usually respond to allegations of malpractice, are not involved in any enquiries or investigations.

8.12. The Monitoring Officer or Investigating Officer can decide to take no further action if a complaint appears to be trivial or malicious.

8.13. Any meetings arranged will normally take place at the council's offices but the council can agree to have the meeting elsewhere. However, the whistleblower may

9. Taking the matter further

elect to have correspondence and such like forwarded to their home address.

- 8.14. The council accepts that in the working environment members of staff need assurance that the council has properly addressed the matter raised. Thus, subject to legal constraints, the council will provide information about the outcome of any investigation.
- 8.15. If the case was passed to an alternative Investigating Officer, the Investigating Officer will inform the Monitoring Officer of the outcome of the case to enable the Monitoring Officer to fulfil their reporting responsibilities under this policy.
- 8.16. The Monitoring Officer will report, as necessary, all concerns raised and the outcomes (in an anonymous format) in accordance with the statutory functions relating to prescribed persons.

9.1. This policy is intended to provide an avenue to raise concerns within the council and the council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation, you can write to the Chief Executive and ask for the investigation and outcome to be reviewed.

9.2. If you remain dissatisfied and you feel it is right to take the matter outside the council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the council, for example service users, or where you would commit an offence by making such disclosures. This is something that you would need to check with the Monitoring Officer.

9.3. Before taking a matter to an external body, the council advises individuals seek independent legal advice. The following are possible contact points:

- National Audit Office
- the council's external auditor (details for which can be obtained from Public Sector Audit Appointments Ltd)
- relevant professional bodies or regulatory organisations
- Citizens Advice Bureau
- Environment Agency
- Health and Safety Executive
- police (if a criminal matter)
- relevant voluntary organisation
- trade union

10. Independent advice

- Local Government Ombudsman
- Information Commissioner
- Equality and Human Rights Commission

9.4. The charity Protect (formerly Public Concern at Work) provides free confidential advice to workers who have concerns about wrongdoing in the workplace. Their dedicated hotline is 020 3117 2520.

9.5. Another option is to rely on your rights under the Public Interest Disclosure Act 1998. This act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the council (under The Public Interest Disclosure (prescribed persons) Order 2014) who can be contacted in certain circumstances. You should seek advice on the effect of this act from the Monitoring Officer.

10.1. The aim of this policy is to reassure employees to raise concern internally, however, the council accepts that employees may prefer to contact an appropriate external body.

10.2. If you are unsure whether to use this procedure or you would like independent advice at any stage, you may contact:

- your trade union
- the independent charity Protect (formerly Public Concern at Work); Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work - telephone 020 3117 2520 (* option 1) or e-mail enquiries: whistle@protect-advice.org.uk or visit their website www.protect-advice.org.uk the National Audit Office - telephone 020 7798 7999 or visit their website www.nao.org.uk
- any of the other bodies listed in 9.3 above

11. Summary

- 11.1. The whistleblowing service provides staff with a confidential service to protect them from any harassment and victimisation when raising concerns within the council. The service aims to work alongside existing procedures in place that promote ethics, honesty and the highest possible standards of openness and accountability.
- 11.2. The council does not tolerate any reprisal against an employee because he or she has raised a concern under this policy and will treat any such reprisal as a disciplinary matter which could lead to dismissal. This assurance is not extended to those who maliciously raise concern which they know to be false.

Appendix A

Whistleblowing process

1. Concern is identified and you are unable to report using existing procedures.
2. “Blow the whistle”. You can do this in writing, telephoning or emailing. Please provide names, dates, places, background and details relating to your concern to:
 - your line manager
 - the Monitoring Officer
 - the Chief Executive
3. The initial enquiry will take place within 10 working days. The Investigating Officer will report to the whistleblower their initial findings and confirm how the matter will proceed and provide an estimated timescale.
4. The matter will then be (one of the following):
 - resolved by agreed action without a full investigation
 - fully investigated either internally or referred to appropriate external organisation (to be undertaken within 28 working days if possible; outcome with reasons reported where appropriate)
5. Whistleblower is provided with feedback on outcome and next steps.

Appendix B

Guidance for employees

Reacting to concerns or inappropriate behaviour

The action taken when first suspecting inappropriate behaviour may be crucial. This guidance explains what to do and what not to do on suspicion of inappropriate behaviour.

Acting upon suspicions, the do’s and don’ts

If suspecting inappropriate behaviour affecting the council, there are a few simple rules to follow to help the council with subsequent enquiries.

Do make an immediate note of concerns and note as many relevant details as possible, ideally:

- the background details and nature of the suspicions (including relevant names, dates and locations)
- details of the job and responsibilities of the individuals involved
- action taken to date (if any) before raising the concern

Do communicate suspicions to someone with the appropriate authority and experience in accordance with this Whistleblowing Policy.

Do deal with the matter promptly if the concerns are warranted.

Any delay may result in accidents, cause the council to suffer loss or make further enquiries more difficult.

Don’t do nothing.

Don’t be afraid to raise concerns.

An individual will not suffer any recrimination from the council because of voicing reasonably held concerns. The council will treat the matter sensitively

Appendix C

Guidance for managers

and confidentially if it is able to take reasonable steps to protect the individual.

Don't approach or accuse any individuals directly.

Don't try to investigate the matter.

There are special rules about gathering evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may weaken or destroy any future prosecution.

Don't convey suspicions to anyone other than those indicated in this Whistleblowing Policy.

The Public Interest Disclosure Act 1998 (as amended) will protect individuals from any reprisals as long as the requirements of the act are met.

These are that the individual:

- discloses the information in the public interest
- reasonably believes it to be substantially true
- must not seek any personal gain

Protect (formerly Public Concern at Work, www.protect-advice.org.uk; 020 3117 2520) can offer free, confidential advice to people concerned about crime, danger or wrongdoing at work.

Reacting to inappropriate behaviours

The action taken when first identifying, or becoming aware of suspected inappropriate behaviour, may be crucial in determining the success of any subsequent investigation.

Managers should familiarise themselves with the council's anti-fraud and corruption policies and Whistleblowing Policy to equip themselves to deal with allegations if they arise.

Acting upon suspicions, the do's and don'ts

The following simple rules should help to ensure that matters are properly handled.

Do be responsive to employees' concerns.

Encourage employees to voice any reasonably held concerns or suspicions. As a manager, treat them seriously, confidentially, and sensitively. Reassure the individual that they will not suffer because of concerns raised in the public interest.

Do note all relevant details.

Details should ideally include:

- the background details and nature of the suspicions (including relevant names, dates and locations)
- details of the job and responsibilities of the individuals involved
- the reasons why the person is raising the concerns
- action (if any) taken to date before this concern was raised

Get as much information as possible from the employee reporting the suspicion and encourage them to record this in writing.

If the employee has made any notes, obtain a copy of them.

In addition, note any documentary evidence that may exist to support the allegations, but do not interfere with this evidence in any way. Thereafter, contact the Monitoring Officer to discuss the report received.

If in doubt, report suspicions anyway.

If deciding that no further action is necessary, record the decision and inform the Monitoring Officer of the original notification details and the reasons why no further action is considered necessary. In recommending that no further action is necessary, be objective when evaluating the issue. Consider the facts as they appear based on the information to hand. The Monitoring Officer will then help to determine if further action is necessary.

Deal with the matter promptly, particularly if the concerns are considered warranted, and bearing in mind the 10-day deadline that the council has set to respond to the whistleblower.

Any delay may cause the council to suffer financial or reputational loss or make enquiries more difficult.

Don't ridicule or belittle any suspicions raised by employees.

The council cannot operate an effective anti-fraud and corruption culture or whistleblowing policy if employees are reluctant to pass on their concerns to management out of fear of ridicule or recrimination.

Give all employees' concerns a fair hearing and reassure employees that they will not suffer recrimination by raising any reasonably held suspicion in the public interest.

Don't approach the suspect or accuse any individuals directly.

Don't communicate suspicions to anyone other than those indicated in the councils' Whistleblowing Policy.

Don't try to investigate the matter.

Remember that investigations by employees who are unfamiliar with the requirements of evidence are highly likely to jeopardise a successful outcome. They may also alert the suspect and result in the destruction of evidence. Remember that the primary responsibility is to report the issue and all associated facts to the appropriate employee, wherever possible.

End of document.

TITLE: ANNUAL REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”) POLICIES

Committee: Finance & Assets Committee

Date: 28th March 2024

Author: Director Legal & Monitoring Officer (Senior Responsible Officer)

Report No: Y180

Contact Officer:

Maggie Camp, Director Legal & Monitoring Officer, maggie.camp@eastcambs.gov.uk
01353 616277, Room No 112 The Grange Ely

1.0 ISSUE

1.1. To update Members on the annual review of the RIPA Policies and provide Members with a report on the use of RIPA powers by the Council.

2.0 RECOMMENDATION(S)

2.1. Members are requested to:

- i) Approve the amendments to the Policies; and
- ii) Note the update on the use of RIPA powers at paragraphs 3.5 and the Council’s progress regarding training requirements and ongoing compliance.

3.0 BACKGROUND/OPTIONS

3.1. Members approved a new Regulation of Investigatory Powers Act 2000 (“RIPA”) Policy & Guidance and a new Covert Human Intelligence Sources (“CHIS”) Policy & Guidance at the Finance & Assets Committee on 30th March 2023. Members resolved that the Policies should be adopted as drafted and reviewed on a 3 yearly basis.

3.2. However, guidance received from the Investigatory Powers Commissioner’s Office (“IPCO”) sets out that Members should review the Council’s use of the legislation and set the Policy at least once a year. The policies have been reviewed and a new paragraph 26 added into the CHIS Policy and paragraph 22 in the RIPA Policy to include a recommendation regarding staff training.

3.3. Governance arrangements: A review of governance arrangements was conducted by the Chief Executive and Director Legal. The Director Legal & Monitoring Officer has been designated as the Senior Responsible Officer for RIPA purposes and the Information Officer has been designed as the RIPA Coordinating Officer. As the Information Officer already manages Freedom of Information and Data Protection matters for the Council, the addition of being the Council’s RIPA Coordinating Officer was more appropriate, given that all regimes are responsible for the protection of data.

- 3.4. Training: Training for operational staff took place on 27th September 2023 and training for authorising officers took place on 28th September 2023. Corporate Management Team training took place on 10th October 2023. All training was provided by an external trainer.
- 3.5. Directed Surveillance/CHIS applications and compliance: The Legal Section retains a confidential Central Register for applications and the RIPA Coordinating Officer is responsible for the administration of the Central Register. The Central Register records that there have been no applications for Directed Surveillance or CHIS authorisations since the RIPA Policies were reviewed in 2023. The Council is required to provide statistics for these each year to the IPCO and has reported a “nil” return since 2015.
- 3.6. IPCO Inspection: This took place on 1st December 2023 and was attended by the Chair of Finance & Assets Committee, the Chief Executive and Director Legal & Monitoring Officer. A representative from the IPCO attended at the Council offices and the inspection took place by way of a meeting to discuss what training had been carried out, what processes had been implemented, the methods and systems for record keeping and the security of data.
- 3.7. A letter was received from IPCO on 15th December 2023 to confirm that IPCO was satisfied that the Council was compliant and that the Council’s ongoing compliance with RIPA 2100 and the Investigatory Powers Act 2016 shall be maintained. As such, the Council will not require further inspection until the end of 2026.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. The argument in favour of adopting the amendment to the policies is that the policies have now been updated to make clear the requirement for staff training.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. There are no additional financial implications arising from this report.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

Appendix 1 – Operational Policy and Guidance on the Use of Directed Surveillance under the Regulation of Investigatory Powers Act 2000; and
Appendix 2 – Operational Policy and Guidance on the Use and Conduct of Cover Human Intelligence Sources and Authorisation under the Regulation of Investigation Powers Act 2000.

Background Documents:

Report to Finance & Assets Committee – 30th March 2023 – Regulation of Investigatory Powers Act 200 (“RIPA”) Policy & Guidance and Covert Human Intelligence Sources (“CHIS”) Policy & Guidance



**OPERATIONAL POLICY AND GUIDANCE ON THE USE
OF DIRECTED SURVEILLANCE UNDER THE
REGULATION OF INVESTIGATORY POWERS ACT 2000**

OPERATIONAL POLICY AND GUIDANCE ON DIRECTED COVERT SURVEILLANCE AND AUTHORISATION UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000, as amended (“RIPA”)

1. What is covert surveillance?

RIPA defines surveillance as including

- *monitoring, observing, or listening to persons, their movements, their conversations, or their other activities or communications.*
- *recording anything monitored, observed, or listened to in the course of surveillance; and*
- *surveillance by or with the assistance of a surveillance device.*

Covert surveillance is surveillance, carried out so that the people being observed, or listened to, or monitored, are unaware that it is, or may be, taking place.

2. When might the Council undertake covert surveillance?

The Council is involved in every day functions of law enforcement, which are mainly carried out in an overt manner. However, there will be occasions when Council officers undertake their duties in a covert manner, for example, Trading Standards might covertly observe traders to ensure compliance with legal requirements.

RIPA provides a framework for regulating the use of those investigatory powers ensuring that any covert surveillance activities are consistent with the duties imposed upon public authorities by the Human Rights Act. RIPA provides that covert surveillance will be lawful if an authorisation has been properly issued and a person acts in accordance with that authorisation. This is important because if the Council is involved in any proceedings before a Court the Council will be able to show that it has acted lawfully and that it has gathered evidence properly.

The Council has to be satisfied that:

- *Any surveillance is undertaken in connection with a statutory function with which the Council is charged.*
- *That such interference can be justified legally.*
- *The surveillance is properly authorised in accordance with this policy and consequently provides a basis for justifying any interference with a person’s human rights.*

3. What is Directed Surveillance?

Directed Surveillance is covert surveillance undertaken:

- for the purposes of a specific investigation or a specific operation.
- in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- otherwise, then by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance

3A. Internet and Social Networking Sites

Although social networking and internet sites are easily accessible, consideration must still be given about whether a RIPA authorisation should be obtained if they are going to be used during the course of an investigation. If the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered.

Care must be taken to understand how the social media site being used works. Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Depending on the nature of the online platform there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain. However, in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

In order to determine whether a directed surveillance authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:

- Whether the investigation or research is directed towards an individual.
- Whether it is likely to result in obtaining private information about a person or group of people.
- Whether it is likely to involve visiting internet sites to build up a picture or profile.
- Whether the information obtained will be recorded and retained.
- Whether the information is likely to provide an observer with a pattern of lifestyle.
- Whether the information is being combined with other sources of information, which amounts to information relating to a person's private life.
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s).
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.
- Conversely, where the Council has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt, and a directed surveillance authorisation will not normally be available.

Example 1: *An officer undertakes a simple internet search on a name, address, or telephone number to find out whether a subject of interest has an online presence. This is unlikely to need an authorisation. However, if having found an individual's social media profile or identity, it is decided to monitor it or extract information from it for retention in a record because it is relevant to an investigation or operation, authorisation should then be considered.*

Example 2: *The Council undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. However, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.*

An authorisation for the use and conduct of a CHIS (Covert Human Intelligence Source, see Operational Policy and Guidance on the Use and Conduct of Covert Human Intelligence Sources) may be needed if a relationship is established or maintained by the officer on behalf of the Council without disclosing his or her identity (i.e. the activity will be more than mere reading of the site's content). This could occur if an officer covertly asks to become a 'friend' of someone on a social networking site.

An officer must not set up a false identity for a covert purpose without authorisation.

An officer must not adopt the identity of a person known, or likely to be known, to the subject of interests or users of the site without authorisation, and without the explicit consent of the person whose identity is used, and without considering the protection of that person.

4. When can Council Officers use Directed Surveillance?

Council officers can use directed surveillance to prevent and/or detect crime where the crime under investigation carries a custodial sentence of 6 months or more, and also for the investigation of offences relating to the illegal sale of alcohol or tobacco to minors. Such offences are considered to meet the "crime threshold".

If these conditions are not satisfied the Council cannot conduct surveillance under RIPA.

If the proposed surveillance activity takes place in residential premises or in a private vehicle and involves the presence of a person or surveillance device in the premises or vehicle, such surveillance is then referred to as Intrusive Surveillance. No officer of the Council is authorised to approve an authorisation under RIPA for Intrusive Surveillance.

Likewise, no officer of the Council may authorise entry onto, or interference with, property, for example, a Council officer cannot authorise trespass onto land in order to deploy surveillance equipment. In any case where a trespass is envisaged officers should seek immediate legal advice from the Director Legal & Monitoring Officer and Legal Services.

The fact that covert surveillance may not be authorised under RIPA does not necessarily mean that the actions proposed cannot lawfully be undertaken, and the advice of an authorising officer should be sought before any surveillance is contemplated. (*Reference Case No: IPT/11/129/CH; IPT/11/133/CH & IPT/12/72/CH*)

The changes introduced by SI. 2012:1500 and Sections 37 and 38 of the Protection of Freedoms Act 2012 mean that judicial approval is required before any covert surveillance can be carried out.

Throughout this Policy and Guidance, the term 'authorisation' refers to an Authorisation granted by an Authorising Officer [see Section 6]. Such an

Authorisation once granted requires judicial approval before it becomes effective. In this Policy and Guidance, the term ‘approval’ refers to that judicial approval.

5. How is an application for an authorisation made?

An application for authorisation for Directed Surveillance must be in writing and use the application form held on the central U drive. It will contain:

- The action to be authorised.
- The identities, where known, of those to be the subject of directed surveillance.
- An account of the investigation or operation.
- An explanation of the covert techniques that will be used, *N.B. the use of CCTV (see section 10 below)*
- Confirmation that the action proposed is intended to prevent or detect crime
- A statement outlining why directed surveillance is considered to be proportionate to what it seeks to achieve.
- An explanation of the information which it is desired to obtain as a result of the authorisation.
- An assessment of the potential for collateral intrusion, that is to say, interference with the privacy of persons other than the subjects of the surveillance, and an assessment of the risk of such intrusion or interference.
- An assessment of the likelihood of acquiring any confidential material and how that will be treated.

6. Authorising the use of Directed Surveillance

RIPA, as amended, identifies Authorising Officers as Director, Head of Service, Service Manager or equivalent. In East Cambridgeshire, this will be construed as a member of the Corporate Management Team, the Chief Executive and Service Leads.

Ideally the Authorising Officer should not be responsible for authorising surveillance within their own direct sphere of activity, i.e., those operations or investigations in which they are directly involved or for which they have direct responsibility.

7. What will the Authorising Officer have to consider in processing an authorisation?

Authorising Officers, and officers authorised to conduct directed surveillance, must be familiar with the requirements of any relevant Codes of Practice issued by the Home Office.

An authorisation can only be considered if the proposed covert activity aims to prevent or detect crime. The proposed activity should relate to a specific purpose that is part of the Council's statutory, or core, function. The concept of statutory or core functions of public authorities is not set out in RIPA, but the decision in [C v The Police and Secretary of State for the Home Office IPT/03/32/H](#) provides

guidance. It is not easy to define the concept in general terms or to propound a general test for distinguishing between the core functions and the ordinary functions of public authorities. However, such a distinction is implicitly recognised in RIPA by the nature of the grounds on which the Council may be authorised to conduct directed surveillance under RIPA, i.e., to prevent or detect crime.

To consent to an authorisation, the Authorising Officer must be satisfied that the proposed surveillance is **necessary** for the purpose of preventing and detecting crime that meets the crime threshold.

The Authorising Officer must also believe that the proposed surveillance is **proportionate** to what it seeks to achieve and that any potential for **collateral intrusion** and the likelihood of acquiring any **confidential material** is reduced to a minimum. Reference must be made to the statutory code of practice on covert surveillance.

There must be a record of whether authorisation was given or refused, by whom and the time and date (see Central Register). Service areas may use a range of techniques and equipment to undertake covert surveillance. Service areas must ensure that the use of covert equipment is managed appropriately, and the technical capacity of such equipment is made known to the Authorising Officer when it is deployed for covert purposes.

N.B. The safety of the public and Council staff must override all other considerations. Authorising Officers must consider violence at work, fatigue, lone working, etc. Where appropriate the Authorising Officer should call for a risk assessment to be conducted before granting the authorisation.

8. What does the term “necessary” mean?

RIPA provides a framework for ensuring that any surveillance activities do not infringe the human rights of the individual. In considering whether to grant an authorisation, the authorising officer must consider whether the proposed conduct is **necessary**.

The fact that a crime may have been, or is about to be committed, does not automatically mean that covert surveillance is necessary. There must be a pressing need for a covert operation to be undertaken and there must be a clear reason for the covert activity. Council Officers should not seek to obtain information through covert means that is not needed for an investigation. It might be useful and very interesting to acquire information about a particular individual, but if it is not strictly necessary to have it then officers should not seek to obtain it. Officers need to show necessity in each case.

9. What does the term “proportionate” mean?

Proportionality is a very important concept. At its simplest, proportionality is about balancing the human rights of the individual against the need to undertake covert surveillance to further an investigation. An authority should not be granted upon grounds of the seriousness of the offence alone.

Any interference with a person's rights must be appropriate and justifiable. An Authorising Officer must consider a number of issues in deciding if a proposed course of action is proportionate. Most important is the belief that the Council has relevant and sufficient reason for interfering with an individual's right to respect for family and private life.

If an Authorising Officer decides that the required information needs to be acquired in a covert manner and that it cannot reasonably be acquired by other means that would involve less, or no, invasion of privacy that decision must be carefully documented and show how the Council has:

- Balanced the size and scope of the operation against the gravity and extent of the perceived crime or harm.
- Determined that the methods to be adopted will cause the least possible intrusion on the target and others.
- Determined that the activity is an appropriate use of the legislation and the only reasonable way of obtaining the necessary result.
- Examined other methods of achieving the requisite information and why they were not used.

Interference will not be justified if the means used to achieve the aim are excessive in all the circumstances. Thus, where surveillance is proposed the covert action must be designed to do no more than meet the objective in question; it must not be unfair or arbitrary; and the impact on the individual or group of people concerned must not be too severe.

Every case must be considered on its merits. What is proportional in some circumstances will not be proportional in others. Authorising Officers need to ensure that an applicant has considered other ways to obtain the required information, or evidence, such as use of third-party information powers and other sources.

10. What does the term "collateral intrusion" mean?

Collateral intrusion occurs when officers obtain information about people unconnected with the investigation. Authorising Officers must consider the likelihood and extent of collateral intrusion when considering any application and ensure that applicants have planned to minimise collateral intrusion. Situations where collateral intrusion can occur include where:

- Observing business premises may result in watching unconnected people come and go.

- During an operation observing or overhearing other conversations that are not relevant to the investigation and impact upon the privacy of others.

It is important to understand that what is done in public does not automatically cease to be private. Members of the public are aware that public authorities use CCTV in an overt manner to prevent crime. Where such systems are used for a specific covert purpose, the covert operation shall not start until the owner/operator of the CCTV system has been shown the Authorisation for the covert action and has been briefed on the parameters of the covert action.

11. What does the term “confidential material” mean?

Confidential material is anything:

- That is subject to legal privilege, for example, communications between a legal adviser and his/her client.
- That is confidential personal information, for example, information about a person’s health or spiritual counselling or other assistance given or to be given to him or her.
- That is confidential journalistic material (this includes related communications), that is, material obtained or acquired for the purposes of journalism and subject to an undertaking to hold in confidence.

If there is a likelihood that confidential material will be obtained as a result of covert surveillance, the authorisation can only be considered by the Chief Executive, or in his absence, the Director Legal and Monitoring Officer.

12. Applying for judicial approval

Following the issue of an authorisation by an Authorising Officer, the applicant should contact Legal Services so that a hearing may be arranged at the Magistrates Court. The applicant should be aware of the process for obtaining prompt or out-of-hours judicial approval if required. All relevant paperwork should be available for the Court to examine and officers should complete the judicial approval form on the central U drive. A magistrate will make one of the following decisions:

- **Approve the application**

If the application is approved, the magistrate will make an order and the Council is now able to use the covert technique for that particular case.

- **Refuse to approve the application**

The RIPA authorisation or notice will not take effect and the Council cannot use the technique in that case.

If an application has been refused the Council may wish to consider the reasons for that refusal, for example, a technical error in the form may be remedied without going through the internal authorisation process again. The Council may then wish to reapply for judicial approval once those steps have been taken.

- **Refuse to approve the grant and quash the authorisation**

This applies where a magistrates' court refuses to approve the grant and decides to quash the original authorisation or notice. The court must not exercise its power to quash that authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations.

13. How long will an Authorisation last?

The written Authorisation will normally cease to have effect (unless renewed) at the end of a period of 3 months beginning with the date on which it took effect.

14. Allocation of tasks following the grant and approval of an Authorisation

Officers tasked with carrying out duties associated with directed surveillance must see a copy of the Authorisation and any comments by the Authorising Officer. However, for directed surveillance not involving the installation of devices, it is sufficient for the officer in charge of the surveillance team to see the documents and then to brief the team accordingly while taking care to precisely repeat the form of words used by the Authorising Officer. There should be an acknowledgement in writing (with date and time) that the Authorisation has been seen.

15. Reviewing authorisations/approvals

It is the duty of Authorised Officers to review periodically all the circumstances relating to an application. Such reviews should take place, at least, on a monthly basis. Any notes relating to the review must be recorded on the Review form held on the central U drive. Reviews should be more frequent where there may be collateral surveillance on persons other than those who are the subject of surveillance. Reviews must be recorded using the relevant review form on the central U drive.

If a decision is taken to cease surveillance, an instruction must be given to those involved in the operation to stop listening, watching, or recording the activities of the subject. The date on which that instruction is given should also be recorded.

N.B. Magistrates **do not** consider internal reviews

16. Renewing Authorisations

If an applicant wishes to continue a covert surveillance exercise for the same purpose for which it was given, then he/she may apply to renew it in writing for a

further period beginning with the day when the authorisation would have expired but for the renewal.

Any request for a renewal of an authorisation should be recorded using the Renewal form on the central U drive outlining the following:

- Whether this is the first renewal, or on how many occasions it has been renewed.
- The same information as outlined for an original application.
- Details of any significant difference in the information given in the previous authorisation.
- The reasons why it is necessary to continue with the surveillance.
- The content and value to the investigation or operation of the information so far obtained by the surveillance.
- An estimate of the length of time the surveillance will continue to be necessary.

Any renewal application will follow a similar process through the Magistrates.

17. Cancelling an authorisation

The Authorising Officer who granted or last reviewed/renewed the authorisation must cancel it if he/she is satisfied that the Directed Surveillance no longer meets the criteria for authorisation. If that Authorising Officer is unavailable, another Authorising Officer must undertake that role and ensure that surveillance ceases. Cancellation must be recorded using the relevant cancellation form on the central U drive.

N.B. Magistrates **do not** consider cancellations

18. What records must be kept?

The following records must be kept. Original documentation will be forwarded to the Senior Responsible Officer for filing with the Central Record. Practitioners should work from copies.

- The application for authorisation.
- The authorisation.
- The judicial application
- The judicial approval
- A record of the period over which the surveillance is taking or has taken place (including any significant suspensions of coverage).
- A record of the result of periodic reviews of the authorisation.
- Any renewal of authorisation, together with the supporting documentation when the renewal was requested.
- The cancellation of the authorisation

19. Who keeps the record?

The Director Legal and Monitoring Officer will maintain a central register of records. The Central Register is held electronically, and access is restricted. Authorising Officers are responsible for ensuring that they provide timely information to enable the Central Register to reflect all current activities and to avoid duplication of resources.

20. Who is responsible for overseeing compliance with RIPA?

Under the Investigatory Powers Act 2016, the Investigatory Powers Commissioner has been appointed to provide independent oversight of the use of the powers contained in Part 2 of RIPA. Inspectors from the Investigatory Powers Commissioner's Office will inspect the Council from time to time to ensure that the Council is complying with RIPA.

In addition, RIPA establishes an independent tribunal. This tribunal has full powers to investigate and decide any case where a person complains about the conduct of the Council in exercising its powers of carrying out surveillance. This policy also forms part of the Council's quality protocols and as such is liable to scrutiny. All officers involved in activities affected by this policy must observe the guidance contained in this document.

21. What reference documents are there?

The Council and those persons acting under Part 2 of the Act must have regard to the Codes of Practice issued under RIPA. Each Authorised Officer will have access to these codes. In addition, the Council has prepared specific forms for use by officers in relation to Directed Surveillance. These forms, and the Central Register, are available on the central U drive.

Where fraud or corruption is suspected, then regard should be had to the Council's Anti-Fraud and Corruption Strategy.

22. Training

22.1 Appropriate corporate training will be arranged by the Director Legal & Monitoring Officer for all officers likely to make applications or authorise them.

22.2 The Director Legal & Monitoring Officer will ensure suitable training is in place for all new members of staff who undertake an enforcement role. This may be conducted by way of a briefing, an e-learning module or with an external trainer. Service Leads of enforcement teams must ensure new staff undertake RIPA training within six months of their start date.

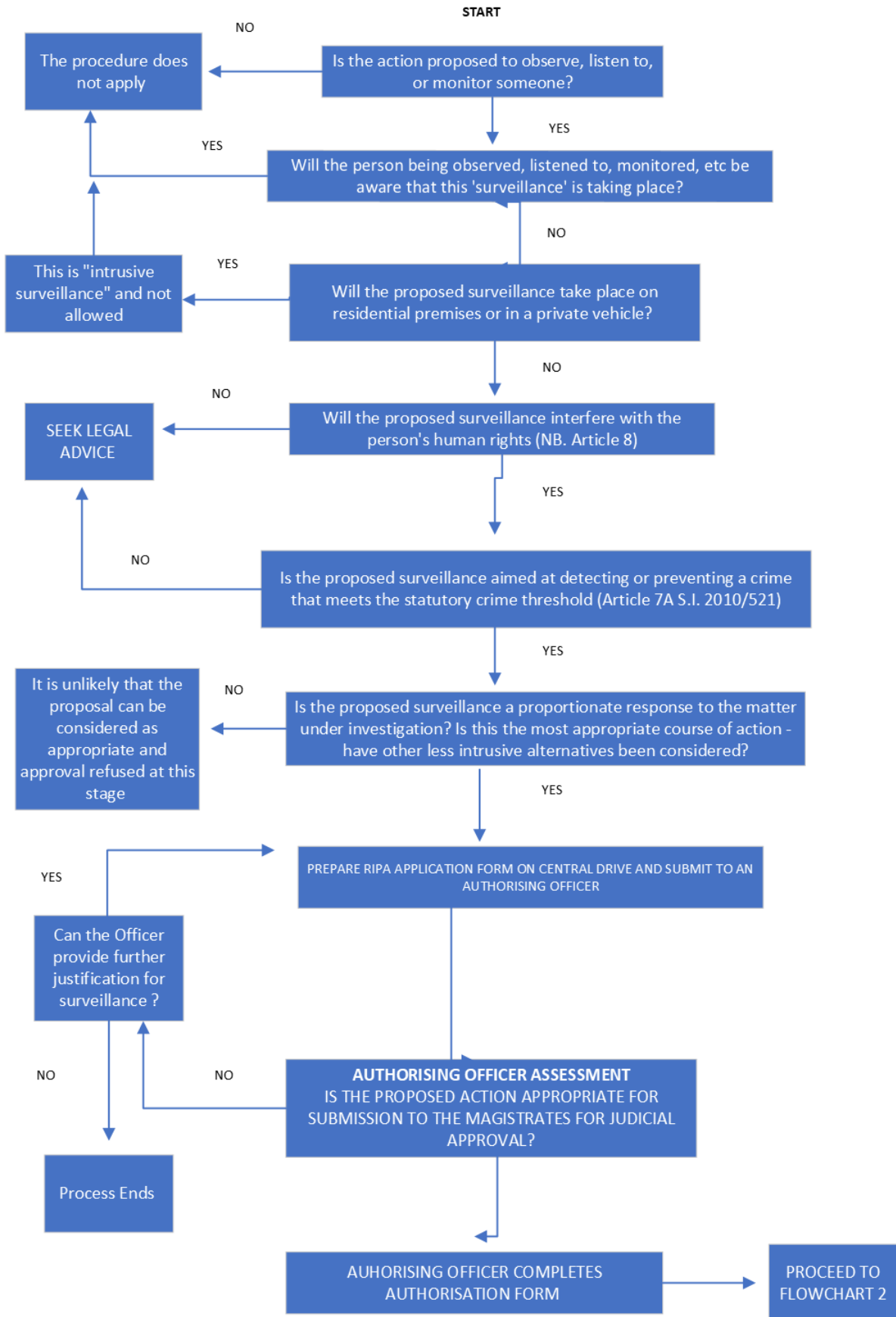
22.3 Authorising Officers must receive training on an annual basis, which may be conducted by way of a briefing, an e-learning module or with an external trainer.

22.4 All other identified staff will be required to attend annual refresher training, either by way of a briefing, an e-learning module or with an external trainer. It is the responsibility of Service Leads of enforcement teams to ensure relevant staff are identified and receive such training.

22.5 Officers may in any event supplement corporate training by attending appropriate external training courses and seminars and will notify the Director Legal & Monitoring Officer of any additional training undertaken, which will be noted.

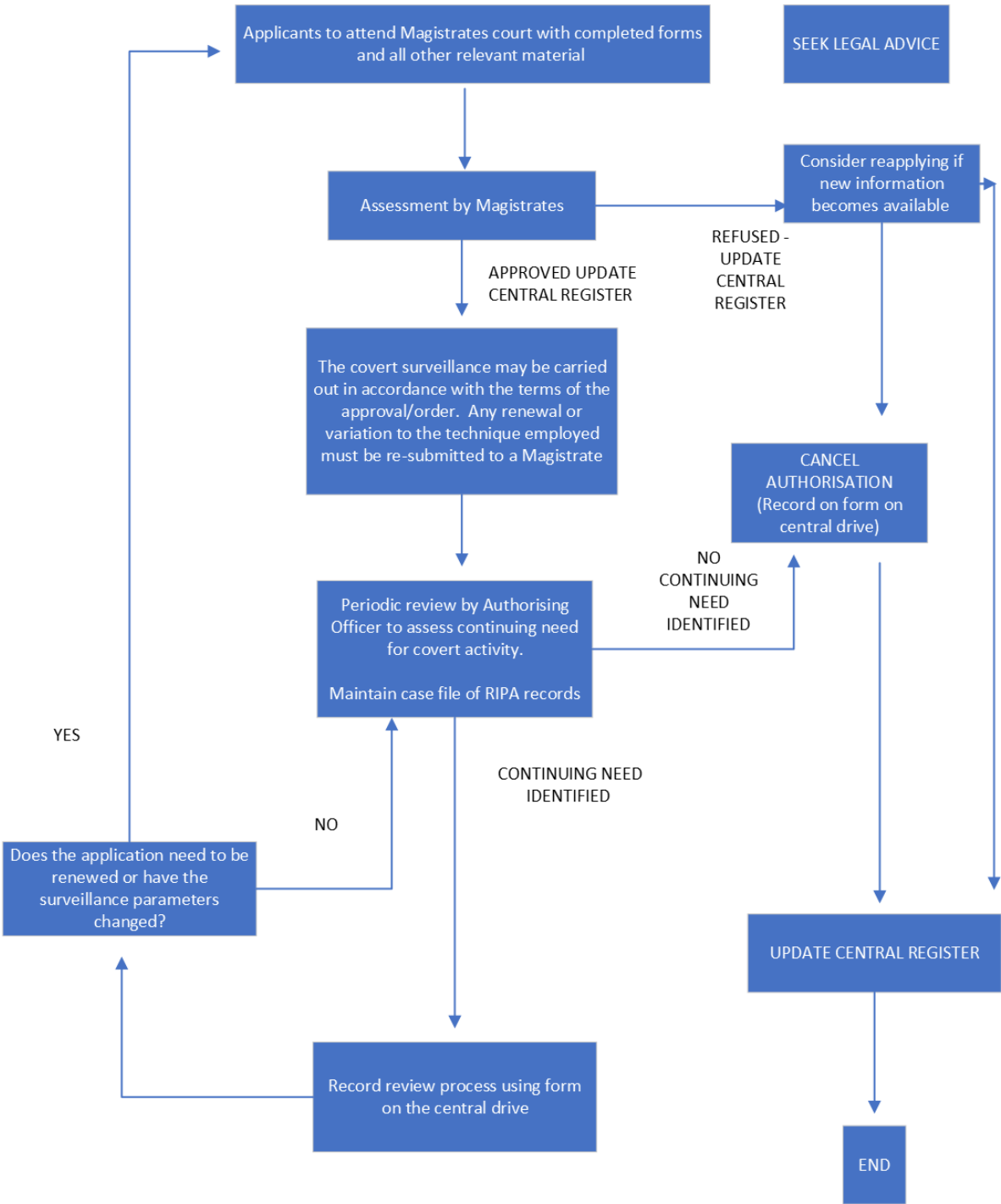
22.6 No officer will be permitted to make applications or undertake the role of an Authorising Officer unless they have undergone suitable training approved by the Director Legal & Monitoring Officer.

Flowchart 1 - Directed Surveillance



Flowchart 2 - Directed Surveillance

FROM FLOWCHART 1





**East Cambridgeshire
District Council**

Appendix 2

**OPERATIONAL POLICY AND GUIDANCE ON THE USE AND
CONDUCT OF COVERT HUMAN INTELLIGENCE SOURCES
AND AUTHORISATION UNDER THE REGULATION OF
INVESTIGATORY POWERS ACT 2000**

OPERATIONAL POLICY AND GUIDANCE ON THE USE AND CONDUCT OF COVERT HUMAN INTELLIGENCE SOURCES AND AUTHORISATION UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000, as amended (RIPA)

1. What is a covert human intelligence source?

RIPA defines a Covert Human Intelligence Source (CHIS) as a person who establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything that

- Covertly uses such a relationship to obtain information or to provide access to information to another person; or
- Covertly discloses information obtained by the use of such a relationship, or because of the existence of such a relationship.

RIPA does not apply to members of the public who volunteer information as part of their civic duties, or members of staff who report information in accordance with their contract of employment, or under the Council's Whistleblowing Policy.

2. When is a relationship covert?

A relationship is covert if it is conducted in a manner calculated to ensure that one party is unaware of its purpose.

2A. Internet and Social Networking Sites

Although social networking and internet sites are easily accessible, consideration must still be given about whether a RIPA authorisation should be obtained if they are going to be used during the course of an investigation.

An authorisation for the use and conduct of a CHIS may be needed if a relationship is established or maintained by the officer on behalf of the Council without disclosing his or her identity (i.e., the activity will be more than mere reading of the site's content). This could occur if an officer covertly asks to become a 'friend' of someone on a social networking site.

An Officer must not set up a false identity for a covert purpose without authorisation.

An officer should not adopt the identity of a person known, or likely to be known, to the subject of interests or users of the site without authorisation, and without the explicit consent of the person whose identity is used, and without considering the protection of that person.

3. When might the Council use human intelligence sources?

The Council is involved in every day functions of law enforcement, which are mainly carried out in an overt manner. However, there will be occasions when

Council officers undertake their duties in a covert manner, for example, Trading Standards might use an informer (CHIS) as part of their enforcement function. The use of CHIS is only undertaken for serious issues and where there is a pressing need for the Council to act to protect the local community. All officers involved in activities affected by this Policy must observe the guidance contained in this document.

RIPA provides a framework for regulating the use of those investigatory powers. The Act ensures that any law enforcement activities that involve the use of a CHIS are consistent with the duties imposed upon public authorities by the Human Rights Act. RIPA provides that the use and conduct of a CHIS will be lawful if an authorisation has been lawfully issued and a person acts in accordance with that authorisation. This is important because if the Council is involved in any proceedings before a Court the Council will be able to show that it has acted lawfully and that it has gathered evidence properly.

The Council has to be satisfied that:

- *Any use and conduct of a CHIS are undertaken in connection with a statutory function with which the Council is charged.*
- *That such interference can be justified legally.*
- *The use and conduct of a CHIS are properly authorised in accordance with this Policy and consequently provides a basis for justifying any interference with a person's human rights.*

4. Authorising the use and conduct of a covert human intelligence source

If the use and conduct of a CHIS is being considered, urgent legal advice should be sought from the Director Legal and Monitoring Officer or Legal Services before any application for authorisation is submitted.

An application for authorisation should be submitted to an Authorising Officer. If approved, it will then need to be submitted to a Justice of the Peace for judicial approval.

The Act, as amended, identifies Authorising Officers as Director, Head of Service, Service Manager or equivalent. In East Cambridgeshire, this will be construed as a member of the Corporate Management Team, the Chief Executive and Service Leads.

Ideally the Authorising Officer should not be responsible for authorising a CHIS within their own direct sphere of activity, i.e., those operations or investigations in which they are directly involved or for which they have direct responsibility, or in which they would be the Controller.

The Protection of Freedoms Act 2012 amended RIPA to make local authority authorisation of a CHIS subject to judicial approval by a Justice of the Peace.

Throughout this Policy and Guidance, the term 'authorisation' refers to an Authorisation granted by an Authorising Officer. Such an Authorisation once granted requires judicial approval before it becomes effective. In this Policy and Guidance, the term 'approval' refers to that judicial approval.

5. How is an application for authorisation made?

An application for authorisation for the use or conduct of CHIS must be in writing and use the application form held on the central U drive. It should specify:

- The reasons why the authorisation is necessary in the particular case for the prevention or detection of crime or prevention of disorder.
- Details of the purpose for which the CHIS will be tasked or deployed.
- An account of the investigation or authorisation.
- The identities, where known, of those who are to be the subject of the use or conduct of the CHIS.
- Details of what the CHIS will be asked to do.
- The potential for collateral intrusion, that is to say, interference with the privacy of persons other than the subjects of the investigation, and why the intrusion is justified.
- The likelihood of obtaining any confidential information, what that might be, and how that will be treated.
- The reasons why the proposed use and conduct of CHIS is considered proportionate to what it seeks to achieve.
- The level of authorisation required.

6. What will the Authorising Officer have to consider before granting an authorisation?

Authorising Officers, and officers authorised to handle and/or control a CHIS, must be familiar with the requirements of the statutory Codes of Practice issued by the Home Office.

An authorisation can only be granted if the proposed covert activity aims to prevent or detect crime or prevent disorder. The proposed activity should relate to a specific purpose that is part of the Council's statutory or core functions. The concept of statutory or core functions of public authorities is not expressly mentioned as such in RIPA. It is not easy to define the concept in general terms or to propound a general test for distinguishing between the core functions and the ordinary functions of public authorities. However, such a distinction is implicitly recognised in RIPA by the nature of the grounds on which the Council may be authorised to use CHIS under RIPA, that is, to prevent or detect crime or to prevent disorder.

To grant an authorisation, the Authorising Officer must be satisfied that the authorisation is **necessary** for the purpose of preventing and detecting crime or preventing disorder.

The Authorising Officer must also believe that the use of CHIS is **proportionate** to what it seeks to achieve and ensure that satisfactory arrangements exist for the management of the CHIS. The Authorising Officer must believe that any potential for **collateral intrusion** and the likelihood of acquiring any **confidential material** is reduced to a minimum.

There must be adequate arrangements for maintaining the records of the exercise and controls in place to deal with any **confidential material** acquired.

There must be a record of whether authorisation was given or refused, by whom, and the time and date (see central U drive). In urgent cases where oral authorisation was initially given the written form should record the reasons for this.

The Authorising Officer must put in place a schedule of review dates for any CHIS authorisation.

N.B. The safety of the public and Council staff must override all other considerations. Authorising Officers must consider violence at work, fatigue, lone working, etc. Where appropriate the Authorising Officer should call for a risk assessment to be conducted before granting the authorisation.

7. What does the term “necessary” mean?

RIPA provides a framework for ensuring that any surveillance activities do not infringe the human rights of the individual. In considering whether to grant an authorisation, the Authorising Officer must consider whether the proposed conduct is **necessary**.

The fact that a crime may have been, or is about to be committed, does not automatically mean that the use of a CHIS is necessary. There must be a pressing need for a covert operation to be undertaken and there must be a clear reason for the covert activity. Council Officers should not seek to obtain information through covert means that is not needed for an investigation. It might be useful and very interesting to acquire information about a particular individual, but if it is not strictly necessary to have it then officers should not seek to obtain it. Officers need to show why it is necessary in this case and at this time.

8. What does the term “proportionate” mean?

Proportionality is a very important concept. At its simplest, proportionality is about balancing the human rights of the individual against the operational need for the use of CHIS to further an investigation. An authorisation should not be granted upon grounds of the seriousness of the offence alone.

Any interference with a person’s rights must be appropriate and justifiable. An Authorising Officer must consider a number of issues in deciding if a proposed course of action is proportionate. Most important is the belief that the Council

has relevant and sufficient reason for interfering with an individual's right to respect for family and private life.

If an Authorising Officer decides that the required information needs to be acquired through the use of a CHIS and that it cannot reasonably be acquired by other means that would involve less, or no, invasion of privacy that decision must be carefully documented and show how the Council has:

- Balanced the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm.
- Explained how and why the methods to be adopted will cause the least possible intrusion on the subject and others.
- Determined whether the conduct to be authorised will have any implications for the privacy of others, and an explanation of why (if relevant) it is nevertheless proportionate to proceed with the operation.
- Evidenced, as far as reasonably practicable, what other methods had been considered and why they were not implemented or have been implemented unsuccessfully.
- Considered whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought.

Interference will not be justified if the means used to achieve the aim are excessive in all the circumstances. Thus, where surveillance is proposed the covert action must be designed to do no more than meet the objective in question; it must not be unfair or arbitrary; and the impact on the individual or group of people concerned must not be too severe.

Every case must be considered on its merits. What is proportionate in some circumstances will not be proportionate in others. Authorising Officers need to ensure that an applicant has considered other ways to obtain the required information, or evidence, such as use of third-party information powers and other sources.

9. What does the term “collateral intrusion” mean?

Collateral intrusion occurs when the use of CHIS interferes with the private and family life of people unconnected with the investigation. Authorising Officers must consider the likelihood and extent of collateral intrusion when considering any application and ensure that applicants have planned to minimise collateral intrusion. Situations where collateral intrusion can occur include where:

- Observing business premises may result in watching unconnected people come and go.

- During an operation observing or overhearing other conversations that are not relevant to the investigation and impact upon the privacy of others.

10. What does the term “confidential material” mean?

Confidential material is anything

- Which is subject to legal privilege, for example communications between a legal adviser and his/her client.
- Which is confidential personal information, for example information about a person’s health or spiritual counselling or other assistance given or to be given to him or her.
- Which is confidential journalistic material (this includes related communications), that is, material obtained or acquired for the purposes of journalism and subject to an undertaking to hold in confidence.

11. Are there any special rules for confidential material?

The following requirements apply where the use or conduct of CHIS may result in acquiring knowledge of confidential material:

- The Authorising Officer must be the Chief Executive, or in his absence the person acting as Head of Paid Service.
- The application for authorisation must include an assessment of how likely it is that confidential material will be acquired.
- In the case of legally privileged material, an additional approval may be required from a Judicial Commissioner and reference should be made to the Home Office Code of Practice.
- Those involved in the operation must be advised that confidential material may be involved.
- Confidential material should not be retained or copied unless there is a clear relevant and specific purpose and should be destroyed when no longer needed.
- Confidential material should only be disclosed to those who have a clear and substantial need to know and for a specific and proper purpose.
- Confidential material must be clearly marked or accompanied by a clear warning of its confidentiality.

12. Can a child be a Covert Human Intelligence Source?

For the purposes of this policy, a child is defined as a person under the age of 18. Special safeguards apply where the CHIS would be a child. Authorisation should not be granted unless:

- A risk assessment has been undertaken as part of the application, covering the physical dangers and the psychological aspects of the use of the child.
- The risk assessment has been considered by the Authorising Officer and they are satisfied that any risks identified in it have been properly explained; and
- The Authorising Officer has given particular consideration as to whether the child is to be asked to get information from a relative, guardian, or any other person who has for the time being taken responsibility for the welfare of the child. A child under the age of 16 must never be asked to give information against their parents or any person who has parental responsibility for them.

Authorisation should not be granted unless the Authorising Officer believes that management arrangements exist which will ensure that there will be at all times a person who has responsibility for ensuring that an appropriate adult will be present at any meetings between Council representatives and a CHIS under 16 years of age.

Authorisations for the use of a child as a CHIS can be granted only by the Chief Executive or in his absence by the person acting as Head of Paid Service.

13. Can vulnerable persons act as a Covert Human Intelligence Source?

Only in the most exceptional circumstances should a vulnerable person be authorised to act as a CHIS and the authorisation must be given by the Chief Executive or in his absence by the person acting as Head of Paid Service.

14. Applying for judicial approval

Following the issue of an authorisation by an Authorising Officer, the applicant should contact Legal Services so that a hearing may be arranged at the Magistrates Court to approve the grant of the authorisation. The applicant should be aware of the process for obtaining prompt or out-of-hours judicial approval if required. All relevant paperwork should be available for the Court to examine and officers should complete the judicial approval form on the central U drive. A Justice of the Peace will make one of the following decisions:

- **Approve the application**

If the application is approved the Justice of the Peace will make an order and the Council is now able to use the CHIS for that particular case.

- **Refuse to approve the application**

The RIPA authorisation will not take effect and the Council cannot use the CHIS in that case.

If an application has been refused the Council may wish to consider the reasons for that refusal, for example, a technical error in the form may be remedied without going through the internal authorisation process again. The Council may then wish to reapply for judicial approval once those steps have been taken.

- **Refuse to approve the grant and quash the authorisation**

This applies where a Justice of the Peace refuses to approve the grant and additionally decides to quash the authorisation. The Court must not exercise its power to quash the authorisation unless the applicant has had at least two business days from the date of the refusal in which to make representations.

15. What management arrangements should be in place for the Covert Human Intelligence Source?

The following persons must be nominated in relation to each CHIS:

A Handler	this person must be an officer of the Council and that person will have day-to-day responsibility for dealing with the CHIS and for the CHIS's security and welfare. The Handler will need to explain to the CHIS what they must do, for example, a CHIS may be someone who assists a trading standards officer who is asked to undertake a test purchase of items that have been labelled misleadingly.
A Controller	this person must be an officer of the Council and that person will have a general oversight of the use made of the CHIS.
A Record Keeper	this person must be an officer of the Council who is given the responsibility for maintaining the records relating to the CHIS and the use of the CHIS.

It is not the intention that authorisations be drawn so narrowly that a separate authorisation is required each time the Handler asks the CHIS to do something. Rather, an authorisation might cover, in broad terms, the nature of the CHIS's task. If the nature of the task changes significantly, then a fresh authorisation

may need to be sought. When unforeseen action occurs, it must be recorded as soon as practicable after the event and, if the existing authorisation is insufficient, a new authorisation should be obtained before any further such action is carried out.

The day-to-day contact with the CHIS is to be conducted by the Handler. Some arrangements may be made in direct response to information provided by the CHIS on their meeting with the Handler. Steps should be taken to protect the safety and welfare of the CHIS when carrying out actions in relation to an authorisation and of others who may be affected by the actions of the CHIS.

Before authorising the use or conduct of a CHIS, the Authorising Officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any action and the likely consequences should the role of the CHIS become known to the subject of the investigation or those involved in the activity which is being investigated. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset.

The Handler is responsible for bringing to the Controller's attention any concerns about the personal circumstances of the source, insofar as they might affect:

- The validity of the risk assessment
- The conduct of the CHIS, and
- The safety and welfare of the CHIS.

Where deemed appropriate, the Controller must ensure that the information is considered by the Authorising Officer and a decision taken on whether or not to allow the authorisation to continue.

Officers tasked with carrying out duties associated with the use and conduct of a CHIS must see a copy of the Authorisation and any comments by the Authorising Officer. In particular, the Handler should not proceed until the Authorisation has been seen. There should be an acknowledgement in writing (with date and time) that the Authorisation has been seen.

16. What type of things can a CHIS be asked to do?

Once authorised a CHIS could be asked to obtain information, to provide access to information, or to act otherwise or act incidentally for the benefit of the Council in the performance of its statutory enforcement and regulatory functions. The CHIS might be asked to wear or carry a surveillance device. No additional authorisation is required if the CHIS is invited into a private vehicle or residential premises. A CHIS must not be asked to install a surveillance device nor intercept post or any other communications including those sent by telephone or e-mail.

A CHIS must not be asked to do anything or not to do something that would involve the commission of a criminal offence by the CHIS, for example, a CHIS must not be asked to steal a document to get information.

17. How long will an authorisation last?

An authorisation will, unless renewed, cease to have effect at the end of a period of 12 months beginning with the day on which it took effect, except in the case of a juvenile CHIS. In the case of a juvenile CHIS, authorisation will cease at the end of a period of 4 months beginning with the date on which it took effect.

18. Reviewing authorisations

It is the duty of Authorising Officers to undertake regular reviews of authorisations to assess whether it remains necessary and proportionate to use a CHIS and whether the authorisation remains justified. The review should include the use made of the CHIS during the period authorised; the tasks given to the CHIS; the information obtained from the CHIS; and the reasons why executive action is not possible at this stage. Reviews should be more frequent where the use of a CHIS provides access to confidential information or involves significant collateral intrusion.

Reviews must be recorded using the relevant review form on the central U drive.

If a decision is taken to cease using a CHIS, an instruction must be given to those involved in the operation to stop using the CHIS as an information source. The date on which that instruction is given should also be recorded.

N.B. A Justice of the Peace does not consider internal reviews.

19. Renewing authorisations

If an applicant wishes to continue the use of a CHIS for the same purpose for which authorisation was given, then he/she may apply to renew it in writing for a further period of 12 months beginning with the day when the authorisation would have expired but for the renewal.

Any request for a renewal of an authorisation should be recorded using the Renewal Form on the central U drive outlining the following:

- Whether this is the first renewal, or on how many occasions it has been renewed.
- Details of any significant changes to the information given in the previous or original authorisation.
- The reasons why it is necessary to continue to use the CHIS.
- The use that has been made of the CHIS since the Authorisation/last renewal; the tasks given to the CHIS during that period; and the information obtained by the CHIS.

- The results of the reviews of the use of the CHIS.
- An estimate of the length of time the CHIS will continue to be operational.

Any renewal will follow a similar process to an Authorisation for judicial approval by a Justice of the Peace (see paragraph 14 above).

20. Cancelling an authorisation

The Authorising Officer who granted or last renewed the authorisation must cancel it if he/she is satisfied that the use or conduct of the CHIS no longer meet the criteria for authorisation. If that Authorising Officer is unavailable, another Authorising Officer must undertake that role and ensure that use of the CHIS ceases. Cancellation must be recorded using the relevant cancellation form on the central U drive.

N.B. A Justice of the Peace does not consider cancellations.

Where necessary, the safety and welfare of the CHIS should continue to be considered after the authorisation has been cancelled. The Authorising Officer will wish to satisfy themselves that all welfare matters are addressed.

21. What records must be kept?

The following records must be maintained by the Record Keeper in a manner that will preserve the identity of the source and the information which they supply. It is important to note that RIPA requires that documents which contain the true identity of the CHIS should be kept secure and separately from other documents and only those with a need to know the true identity of the CHIS should be able to access them.

- Full details of the CHIS and the management arrangements. This will include:
 - *The identity of the CHIS*
 - *The identity or identities used by the CHIS, where known*
 - *The means used within the Council of referring to the CHIS*
 - *Any significant information connected with the security and welfare of the CHIS*
 - *Any confirmation made by an Authorising Officer granting or renewing an authorisation for the conduct or use of a source, that the security and welfare of the CHIS has been considered and that any identified risks to the security and welfare of the CHIS have been properly explained to and understood by the CHIS*
 - *The date when, and the circumstances in which, the CHIS was recruited*

- *The authority for the related investigation or operation*
 - *The identities of the Controller, the Handler, and the Record Keeper*
 - *The period for which those responsibilities have been discharged by those persons*
 - *The tasks that are given to the CHIS and the demands made of him in relation to his activities as a CHIS*
 - *All contacts or communications between the CHIS and the Council or where the CHIS is a Council Officer, the Handler, and the Controller.*
 - *The information obtained by the Council by the conduct or use of the CHIS*
 - *In the case of a CHIS who is not an Officer of the Council, every payment, benefit or reward or every offer of a payment, benefit or reward that is made or provided by or on behalf of the Council in respect of the CHIS's activities for the benefit of the Council*
- A copy of the application for authorisation.
 - A copy of the authorisation.
 - A copy of the application for judicial approval.
 - A copy of the judicial approval.
 - Any risk assessment made in relation to the CHIS.
 - The circumstances in which tasks were given to the CHIS.
 - The value of the CHIS to the Council.
 - A record of the period over which the surveillance is taking or has taken place (including any significant suspensions of use of the CHIS).
 - A record of the result of any periodic reviews of the authorisation.
 - A copy of any renewal of authorisation, together with the supporting documentation submitted when the renewal was requested.
 - A copy of the cancellation of the authorisation.

These records should be retained for a period of at least five years.

22. Who may see the records?

Only those people who need to know, otherwise they are strictly confidential.

23. The Central Record

The Director Legal and Monitoring Officer will maintain a Central Register of authorisations. The Central Register needs only to contain the name, code name, or unique identifying reference of the CHIS, the date the authorisation was granted, renewed, or cancelled, and an indication as to whether the activities were self-authorised.

The Central Register will be held electronically and access restricted.

Authorising Officers are responsible for ensuring that they provide timely information to enable the central register to reflect all current activities and to avoid duplication of resources.

24. Who is responsible for overseeing compliance with RIPA?

Under the Investigatory Powers Act 2016, the Investigatory Powers Commissioner has been appointed to provide independent oversight of the use of the powers contained in Part 2 of the Act. Inspectors from the Investigatory Powers Commissioner's Office will inspect the Council from time to time to ensure that the Council is complying with the Act.

In addition, the Act establishes an Independent Tribunal. This Tribunal has full powers to investigate and decide any case where a person complains about the conduct of the Council in exercising its powers of carrying out surveillance.

This Policy also forms part of the Council's quality protocols and as such is liable to scrutiny. All officers involved in activities affected by this Policy must observe the guidance contained in this document.

25. What reference documents are there?

The Council and those persons acting under Part 2 of the Act must have regard to the Codes of Practice issued under the Act. Each Authorising Officer will have copies of these Codes. In addition, the Council has prepared seven specific forms for use by officers in relation to CHIS. These forms are available on the central U drive.

Where fraud or corruption is suspected, then regard should be had to the Council's Anti-Fraud and Corruption Strategy.

26. Training

26.1 Appropriate corporate training will be arranged by the Director Legal & Monitoring Officer for all officers likely to make applications or authorise them.

26.2 The Director Legal & Monitoring Officer will ensure suitable training is in place for all new members of staff who undertake an enforcement role. This may be conducted by way of a briefing, an e-learning module or with an external trainer. Service Leads of enforcement teams must ensure new staff undertake RIPA training within six months of their start date.

26.3 Authorising Officers must receive training on an annual basis, which may be conducted by way of a briefing, an e-learning module or with an external trainer.

26.4 All other identified staff will be required to attend annual refresher training, either by way of a briefing, an e-learning module or with an external trainer. It

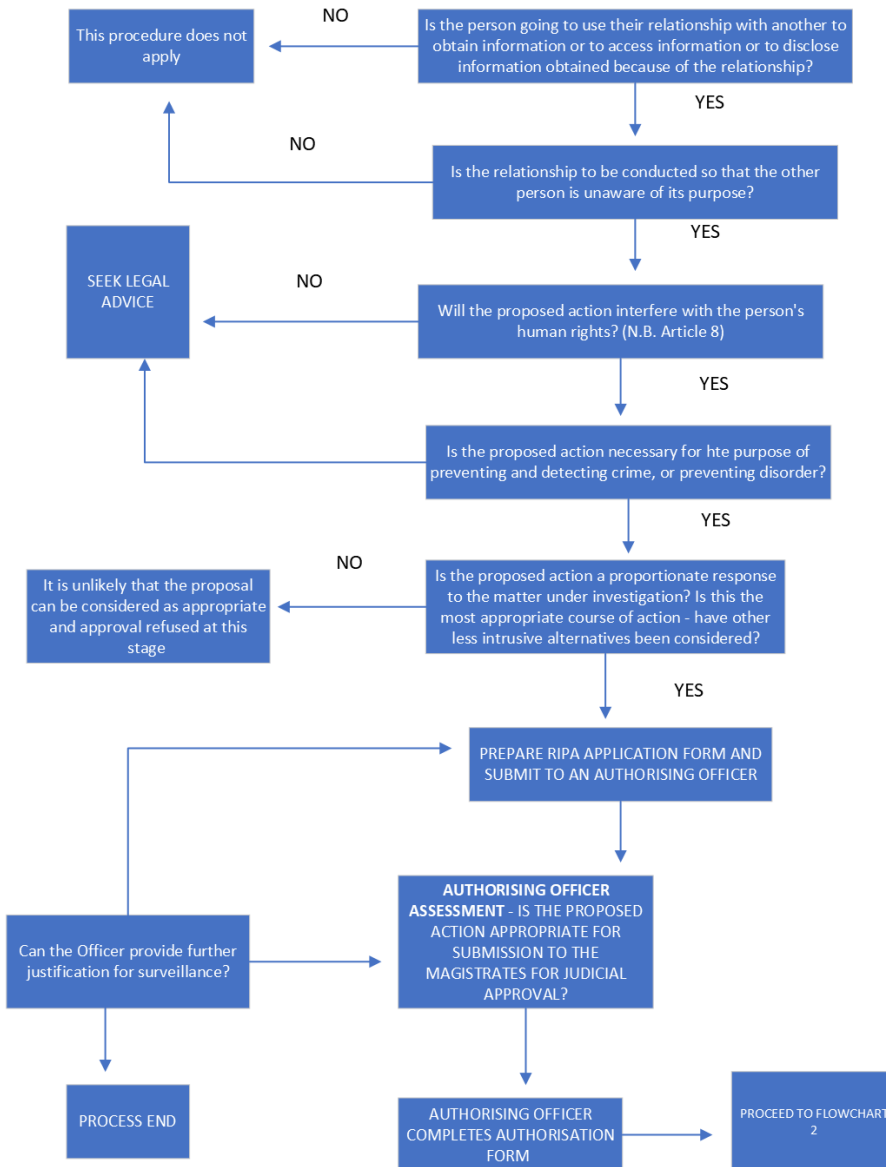
is the responsibility of Service Leads of enforcement teams to ensure relevant staff are identified and receive such training.

26.5 Officers may in any event supplement corporate training by attending appropriate external training courses and seminars and will notify the Director Legal & Monitoring Officer of any additional training undertaken, which will be noted.

26.6 No officer will be permitted to make applications or undertake the role of an Authorising Officer unless they have undergone suitable training approved by the Director Legal & Monitoring Officer.

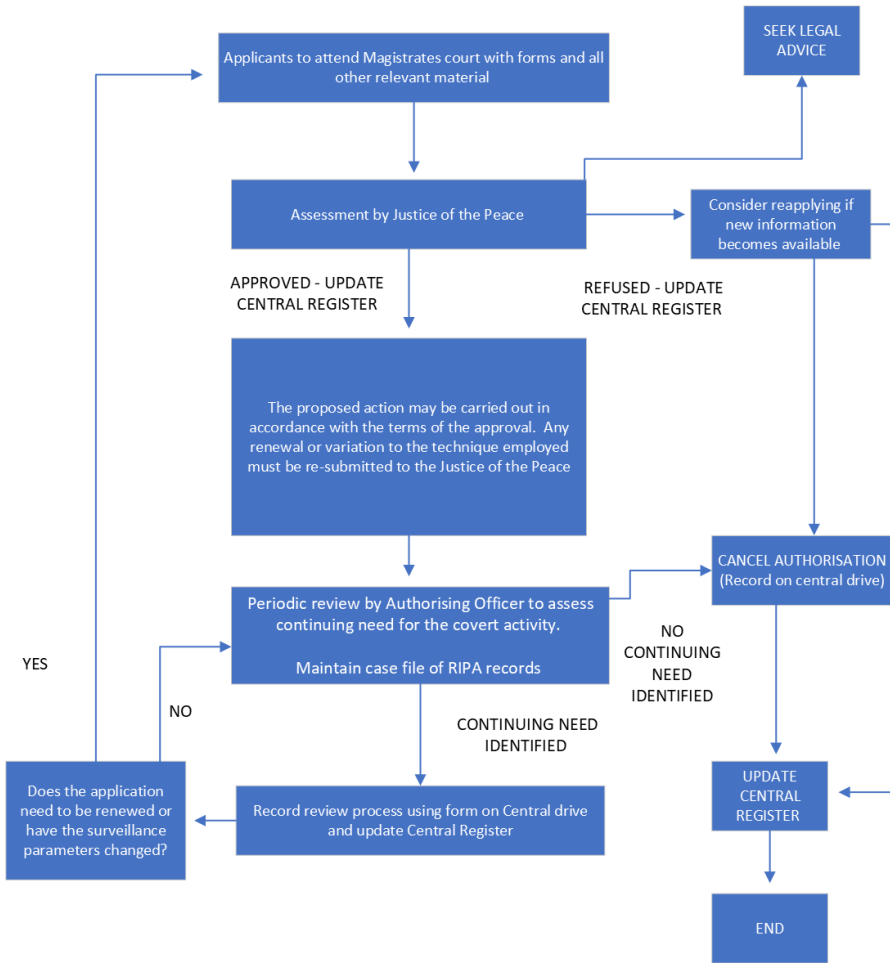
Formatted: Indent: Hanging: 1.27 cm

Flowchart 1 - Use and Conduct of CHIS



Flow Chart 2 - Use and Conduct of CHIS

FROM FLOW CHART 1



TITLE: Community Land Trust Pre-Development Grant Application

Committee: Finance & Assets Committee

Date: 28 March 2024

Author: Community Led Development Advisor

Report No: Y181

Contact Officer:

Debbie Wildridge, Community Led Development Advisor

Debbie.wildridge@eastcambs.gov.uk 01353 665555, The Grange, Ely

1.0 ISSUE

- 1.1. To consider an application for a grant through the Community Land Trust (CLT) Pre-Development Grant Scheme.

2.0 RECOMMENDATION

- 2.1. Members are requested to approve the grant of £35,154.85 to Kennett Community Land Trust as set out in paragraph 4.1 and 4.4 of this report.

3.0 BACKGROUND/OPTIONS

- 3.1. The Council is committed to assisting Community Land Trusts (CLTs) on the district and has two grant pots available to CLTs to bring Community Led Development forward: a start-up grant fund and a pre-development grant fund.
- 3.2. On 22 February 2022 (agenda item 11) Council approved a budget allocation of £100,000 to be made available as a fund for CLT Pre-Development Grants and on 24 March 2022 (agenda item 9) the Finance & Assets Committee approved the criteria for the scheme.
- 3.3. The objectives of the CLT Pre-Development Grant Scheme are to facilitate a support package to assist CLTs across East Cambridgeshire with pre-development finance support and to increase the deliver of genuinely affordable housing for people living and working in East Cambridgeshire, with housing and assets owned and managed by the community in perpetuity.
- 3.4. The Scheme is intended to provide established CLTs with funding to support pre-development revenue costs, for example, feasibility studies, site/property investigation costs, Legal fees., project management costs.
- 3.5. In March 2023 Kennett CLT were awarded a £10,060 grant for the purpose of completing the development and sales agreement with Bellway Homes and for the application fees for becoming a Registered Provider of Social Housing.

4.0 ARGUMENTS/CONCLUSION(S)

- 4.1. Kennett CLT has submitted an application to request £35,154.85 to enable the delivery of 60 affordable housing units that will be owned and managed by the CLT

in perpetuity, as part of the Kennett Garden Village development. The requested amount relates to Legal fees, land registry, transfer fees, sales packs and loan arrangement fees

- 4.2. The application has been assessed and meets the criteria approved by Finance & Assets Committee in March 2022.
- 4.3. If the Members are minded to approve the application then a grant funding agreement will be agreed with Kennett CLT and will set out the limitations of the grant funding, i.e. it is for the purpose of Legal fees, land registry, transfer fees, sales packs and loan arrangement fees
- 4.4. Members are recommended to approve the grant application for £35,154.85 to Kennett CLT.

5.0 FINANCIAL IMPLICATIONS / EQUALITY IMPACT STATEMENT / CARBON IMPACT ASSESSMENT

- 5.1. The £35,154.85 can be met from the approved CLT Pre-Development Grant Scheme budget.
- 5.2. Equality Impact Assessment (EIA) not required.
- 5.3. Carbon Impact Assessment (CIA) not required.

6.0 APPENDICES

None

Background Documents:

Minutes of the Council meeting held on 22 February 2022

Minutes of the Finance & Assets Committee meeting held on 24 March 2022

Kennett CLT Grant Application

Notes of a remote meeting of the East Cambs Bus, Cycle, Walk Working Party held on Monday 26 February 2024 at 6.00pm.

PRESENT

Cllr Ian Bovingdon
Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mark Goldsack
Cllr Alan Sharp (Chairman)

OFFICERS

Sally Bonnett – Director Community
Angela Briggs - Community Infrastructure Manager
Hannah Walker – Trainee Democratic Services Officer

128. APOLOGIES

Apologies for absence were received from Cllr Caroline Shepherd.

The Director Community introduced Angela Briggs to the meeting who previously worked in the Council's Planning department and has rejoined the Council as the Community Infrastructure Manager. Angela will be supporting the bus, cycle, walk, work going forward.

129. DECLARATIONS OF INTEREST

No declarations of interest were made.

130. NOTES OF PREVIOUS MEETING

Members requested to remove Cllr Lorna Dupré as having sent her apologies as she was present in the meeting held on 13 September 2023, the Trainee Democratic Services Officer confirmed the change would be made.

The Notes of the meeting held on 13 September 2023 were agreed as an accurate record with the apologies amendment.

131. BUS, CYCLE, WALK UPDATE FEEDBACK REPORT

The Director Community advised Members that she had received feedback on the Bus, Cycle, Walk Update as attached in Appendix 1 of the report. Further feedback had been received since from East Cambs CAN who felt the recommendations were reasonable. The Ramblers and the British Horse Society asked why they had not been consulted on earlier, and the British

Horse Society highlighted that there was no mention of carriage drivers in the Burwell report and referred to their concerns regarding the Soham – Wicken route.

The Ely Cycling Campaign stressed the importance of continuity of routes across district borders and improvement in the cycling infrastructure within settlements, especially to key destinations such as schools, and to encourage developments to contribute.

They consider the biggest current cycling infrastructure issue to be access for residents of new builds to the north of Ely City centre to key destinations, they referenced the Hopkins Homes planning obligation relating to Lynn Road. A Member stated that the Soham to Wicken path had been under construction for the past 3-4 years, and they were not aware of concerns being raised by the British Horse Society. The Director Community confirmed that Soham Town Council were delivering that project route, and the plans were to leave a grass corridor for horses.

Members agreed that it was important to keep people safe using different routes and reiterated the point from Ely Cycling Campaign to urge new developments to invest money for infrastructure through Section 106.

The Director Community advised that the Planning Department were working with Hopkins Homes to ensure deliver a cycle path for North Ely.

Director Community agreed to update the table within Appendix 1 to reflect a complete set of responses and to circulate the revised document to Members.

132. DRAFT Sustrans Feasibility Studies Presentation

The Director Community presented the three feasibility studies carried out by Sustrans.

Ely to Soham

There were seven different options for the Ely to Soham route, and all options would need to acquire private land. There would need to be significant changes within Ely and Soham to make new facilities accessible and attractive.

A route map was shown to indicate the seven options.

- Option A served the A142 corridor but needed a new crossing.
- Option B was a variation of Option A but was likely to be more achievable but serve less people.
- Option C was the favoured alignment along the A142 corridor and following existing lanes, however that option was expensive.
- Option D was an improvement on the existing route to Barway.
- Option E would be an improvement on Option D if it included a link to Barway but not Stuntney.

- Option F was a variation of Option D but would be difficult to deliver and therefore was not recommended.
- Option G would link with Stuntney and Barway and would be a direct route between Ely and Soham with no major crossing needed for the A142.

Option C would cost the highest due to new crossings and measures in Ely and Soham. Option D would cost the lowest as it would be at the edge of Ely and Soham only.

A Member advised that the route to Stuntney would involve a considerable incline and whether people would be put off by this, and the fact it did not pass Ben's Yard. The Director Community advised that Sustrans can mix and match different route options.

A Member spoke to the Chair of Soham Town Council in which they believed that Ben's Yard was not a key factor when considering different routes but wanted to keep the route away from the A142. The routes would need more work and costs involved, the cycle route could link up with the train station, and Members considered whether residents would rather cycle along the river or a busy road, there needed to be further explanation for Option D.

Members discussed the reasons for and against a route via Ben's Yard but highlighted that Ben's Yard did not contribute towards active travel. Members also focussed on who the routes will be targeted to.

Members emphasised the importance of keeping cyclists safe and away from busy roads, and whether the route should follow the river. Members discussed the option to further extend Option D for a better long-term return, and that Options D or G could join existing routes and for cyclists creating a safer route with better views, and the chance to improve biodiversity.

Isleham to Fordham

The Director Community explained that there were five different options, some involved use of private land, however those over land within the Cambridgeshire County Council farms ownership might be easier to deliver.

A route map was shown to indicate the five options.

- Option A was direct with links with the two communities and was less isolated than other options. The road would be one way, or bollards would be installed close to the railway bridge to reduce traffic volume.
- Option B route went via Isleham Nature Reserve which would bring ecological challenges, but the route was part of Cambridgeshire County Council's rural estate private land.
- Option C route followed along Fordham moor via Temple Road, and the route would run along the edge of agricultural land and could be delivered entirely within land that was part of Cambridgeshire County

Council's rural estate and would have an advantage to link Option E and link into Soham.

- Option D was a variation of Options B and C. It was not as direct but could link with Option E.
- Option E included the opportunity for Options C and E to be combined to provide links between Isleham and Fordham, Isleham and Soham and Fordham and Soham.

Options C and E would cost the highest due to the measures in the villages. Option A would cost the lowest as it would involve bollards and speed reduction only.

Members emphasised that there were a lot of students who commuted to schools and sixth forms in Cambridge from the area, and whether there needed to be a bike store. Option D would run along the old railway line, but Members did not want to create an impact on the chalk meadows. Option A included creating a one way street. Members agreed that making the road one way could be a challenge.

Littleport to Ely

The Director Community explained that the existing report had been updated to include a third route option via Chettisham. Links between the communities were dominated by the A10, the railway, the River Great Ouse and Lynn Road/Ely Road. The railway crossings needed for all options provide major challenges and form significant parts of the study.

Members highlighted the importance of keeping cyclists away from the A10 to keep people safe, Network Rail were keen to avoid public interaction with crossings. A Member noted that Littleport had lots of active travel links, however they did not link up to the routes.

A Member agreed that it was vital to keep the public away from the A10, however a more rural route if not well maintained could also not be safe for the public, and asked the Director Community what the end expectations were for the feasibility studies.

The Director Community advised that the routes would be dependent on funding, the Planning Department already had access to the Sustrans reports for developers, the reports would be used as evidence ready for when funding rounds open as she stressed there are often short time frames for submitting funding bids.

Members discussed that research into Ely North should be looked at, and to emphasise active travel contributions from developers.

The Director Community stated that she would pass on the comments to Sustrans. The next steps would be to share the Sustrans reports with relevant parish councils, conduct a Member Seminar with Councillors, Parish Councils

and stakeholders, then the reports would be published on the Council's website for the public.

133. WORK PROGRAMME TO FEBRUARY 2024

Members received the Work Programme to March 2024.

134. DATE OF NEXT MEETING

The next meeting would be held middle of April for Members to look at the final reports before they go to a Member Seminar which would be held in June/July.

The meeting closed at 7:05pm.

Lead officer: Sally Bonnett, Director Community Democratic Services Officer:

Finance & Assets Committee Annual Agenda Plan

Thursday 27 June 2024 4:30pm

Report deadline: Thursday 13 June 2024

Agenda despatch: Monday 17 June 2024

Agenda Item	Report Author
Chairman’s Announcements	Chairman
Actions taken by the Chief Executive on the grounds of urgency (if any)	Democratic Services Officer
Forward Agenda Plan	Democratic Services Officer
Write-off of unrecoverable debt (if any)	Director Finance and S151 Officer
Assets Update	Open Spaces & Facilities Manager
Bus, Cycle, Walk WP notes (if any)	Democratic Services Officer
ECTC Board Meeting Minutes 7 Mar 2024 [EXEMPT]	Democratic Services Officer
Appointments, Transfers, Resignations [EXEMPT]	HR Manager
ECTC Management Accounts (Jan-March 2024) [EXEMPT]	ECTC Finance Manager
Annual Reports of Representatives on Outside Bodies	Democratic Services Officer
Financial Outturn Report 2023/24	Director Finance and S151 Officer
Treasury Operations Annual Performance Review	Director Finance and S151 Officer
Health and Safety Annual Report	Health & Safety Manager
CCC East Cambridgeshire Transport Strategy Member Engagement Group representation	Democratic Services Officer

Thursday 26 September 2024 4:30pm

Report deadline: Thursday 12 September 2024

Agenda despatch: Monday 16 September 2024

Agenda Item	Report Author
Chairman’s Announcements	Chairman
Actions taken by the Chief Executive on the grounds of urgency (if any)	Democratic Services Officer
Forward Agenda Plan	Democratic Services Officer
Write-off of unrecoverable debt (if any)	Director Finance and S151 Officer
Assets Update	Open Spaces & Facilities Manager
Bus, Cycle, Walk WP notes (if any)	Democratic Services Officer
ECTC Board Meeting Minutes [EXEMPT] (if any)	Democratic Services Officer
ECTC Annual Accounts	ECTC Finance Manager
Local Council Tax Reduction Scheme Policy Review	Director Finance and S151 Officer
MTFS Update	Director Finance and S151 Officer
Gender Pay Report	HR Manager
ECTC Management Accounts (Apr-July 2024) [EXEMPT]	ECTC Finance Manager
Budget Monitoring Q1	Director Finance and S151 Officer

Thursday 28 November 2024 4:30pm

Report deadline: Thursday 14 November 2024

Agenda despatch: Monday 18 November 2024

Thursday 30 January 2025 4:30pm

Report deadline: Thursday 16 January 2025

Agenda despatch: Monday 20 January 2025

Agenda Item	Report Author	Agenda Item	Report Author
Chairman's Announcements	Chairman	Chairman's Announcements	Chairman
Actions taken by the Chief Executive on the grounds of urgency (if any)	Democratic Services Officer	Actions taken by the Chief Executive on the grounds of urgency (if any)	Democratic Services Officer
Forward Agenda Plan	Democratic Services Officer	Forward Agenda Plan	Democratic Services Officer
Write-off of unrecoverable debt (if any)	Director Finance and S151 Officer	Write-off of unrecoverable debt (if any)	Director Finance and S151 Officer
Assets Update	Open Spaces and Facilities Manager	Assets Update	Open Spaces & Facilities Manager
Treasury Management Update	Director Finance and S151 Officer	Appointments, Transfers, Resignations [EXEMPT]	HR Manager
Bus, Cycle, Walk WP notes (if any)	Democratic Services Officer	2025/26 Annual Treasury Management Strategy MRP & AIS	Director Finance and S151 Officer
Annual Infrastructure Funding Statement	Director Community	Budget Monitoring Q3	Director Finance & S151 Officer
Finance Report	Director Finance and S151 Officer	Revenue Budget 2025/26	Director Finance & S151 Officer
ECTC Management Accounts (July-Sept 2024) [EXEMPT]	ECTC Finance Manager		
ECTC Half Yearly Report	Director Commercial		
Service Delivery Plans – 6 Month Performance Monitoring	Service Leads		
Budget Monitoring Q2	Director Finance and S151 Officer		

Thursday 27 March 2025 4:30pm

Report deadline: 4pm Thursday 13 March 2025

Agenda despatch: Monday 17 March 2025

Agenda Item	Report Author
Chairman's Announcements	Chairman
Actions taken by the Chief Executive on the grounds of urgency (if any)	Democratic Services Officer
Forward Agenda Plan	Democratic Services Officer
Write-off of unrecoverable debt (if any)	Director Finance and S151 Officer
Assets Update	Open Spaces and Facilities Manager
ECTC Board Meeting Minutes [EXEMPT]	Democratic Services Officer
Asset Management Plan 2025/26	Open Spaces and Facilities Manager
Service Delivery Plans 2025/26	Service Leads
ECTC Annual Business Plan 2025/26	ECTC Finance Manager
ECTC Management Accounts Oct-Dec 2024	ECTC Finance Manager
Bus, Cycle, Walk WP notes (if any)	Democratic Services Officer
Annual Review of RIPA policies	Director Legal